

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda
05/06/2022 at 10:14:37 AM

By: Darnekia Oliver, Deputy Clerk

1 SCOTT W. DITFURTH, Bar No. 238127
scott.ditfurth@bbklaw.com
2 MEGAN BESHAI, Bar No. 308225
megan.beshai@bbklaw.com
3 BEST BEST & KRIEGER LLP
3390 University Avenue, 5th Floor
4 P.O. Box 1028
Riverside, California 92502
5 Telephone: (951) 686-1450
Facsimile: (951) 686-3083

6 Attorneys for Plaintiff
7 CITY OF ALBANY, a charter city

EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF ALAMEDA

10 CITY OF ALBANY, a charter city,
11 Plaintiff,

12 v.

13 ALBANY LIONS CLUB, LIONS
14 INTERNATIONAL, a California Non-Profit
15 Corporation; DOES 1-10, inclusive; and ALL
16 PERSONS UNKNOWN CLAIMING AN
INTEREST IN THE PROPERTY,

17 Defendants.

Case No. 22CV010822
Assigned to Hon. Somnath Raj Chatterjee
REQUEST FOR JUDICIAL NOTICE

[Filed concurrently herewith:

1. Complaint in Eminent Domain;
2. Notice of Motion and Motion for Order for Prejudgment Possession;
3. Declaration of Jeff. Bond;
4. Notice of Deposit; Declaration of Scott. Delahooke;
5. (Proposed) Order for Prejudgment Possession.]

DATE: July 28, 2022

TIME: 1:30 p.m.

DEPT.: 517

Reservation ID: 771800785701


REQUEST FOR JUDICIAL NOTICE

Pursuant to Evidence Code sections 450, 451 and 452, Defendant City of Albany (“City”) hereby requests the Court take judicial notice of the following undisputed facts and propositions in support of the City’s Motion for Order for Prejudgment Possession:

1. The undisputed facts as to the “Purpose and Ethics” and “Our Code of Ethics” for the Lions Clubs International, including the statement of the organization’s purpose explicitly prohibiting debate of sectarian religion. It cannot reasonably be disputed that the “Purpose and Ethics” and “Our Code of Ethics” are true statements of the organizational purpose and ethics of Lions Clubs International as relevant to the purpose and code of ethics of affiliated local chapters like the Lions Club of Albany, California. And, these undisputed facts can be immediately and accurately ascertained from the Lions Clubs International website, which is a source of reasonably indisputable accuracy as to these facts. Judicial notice is, therefore, proper under Evidence Code section 452, subdivision (h). In conformity with California Rules of Court, rule 3.1306(c), a true and correct copy of the *Purpose and Ethics* and *Our Code of Ethics* pages downloaded by our office on April 10, 2022, from the Lions Clubs International website <<https://www.lionsclubs.org/en/discover-our-clubs/purpose-and-ethics>> are attached here as Exhibit A.

Dated: May 4, 2022

BEST BEST & KRIEGER LLP

By: 
SCOTT W. DITFURTH
MEGAN BESHAI
Attorneys for Plaintiff
CITY OF ALBANY, a California charter city

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW
3390 UNIVERSITY AVENUE, 5TH FLOOR
RIVERSIDE, CALIFORNIA 92502

EXHIBIT A

Help those around the world who need assistance finding safety and security by donating to LCIF's [Refugees and Displaced Persons Fund](#). See how [we are supporting Ukraine](#).

HOME / PURPOSE AND ETHICS

Purpose and Ethics

As Lions, we hold ourselves to the absolute highest standards in everything we do. Our members and clubs are dedicated to serving others, and it shows. We champion kindness in our communities and actively work to improve the lives of all people.

Our Purpose

To **Organize**, charter and supervise service clubs to be known as Lions clubs.

To **Coordinate** the activities and standardize the administration of Lions clubs.

To **Create** and foster a spirit of understanding among the peoples of the world.

To **Promote** the principles of good government and good citizenship.

To **Take** an active interest in the civic, cultural, social and moral welfare of the community.

To **Unite** the clubs in the bonds of friendship, good fellowship and mutual understanding.

To **Provide** a forum for the open discussion of all matters of public interest; provided, however, that partisan politics and sectarian religion shall not be debated by club members.

To **Encourage** service-minded people to serve their community without personal financial reward, and to encourage efficiency and promote high ethical standards in commerce, industry, professions, public works and private endeavors.

Our Code of Ethics

To Show my faith in the worthiness of my vocation by industrious application to the end that I may merit a reputation for quality of service.

To Seek success and to demand all fair remuneration or profit as my just due, but to accept no profit or success at the price of my own self-respect lost because of unfair advantage taken or because of questionable acts on my part.

To Remember that in building up my business it is not necessary to tear down another's; to be loyal to my clients or customers and true to myself.

Whenever a doubt arises as to the right or ethics of my position or action towards others, to resolve such doubt against myself.

To Hold friendship as an end and not a means. To hold that true friendship exists not on account of the service performed by one to another, but that true friendship demands nothing but accepts service in the spirit in which it is given.

Always to bear in mind my obligations as a citizen to my nation, my state, and my community, and to give them my unswerving loyalty in word, act, and deed. To give them freely of my time, labor and means.

To Aid others by giving my sympathy to those in distress, my aid to the weak, and my substance to the needy.

To Be Careful with my criticism and liberal with my praise; to build up and not destroy.