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County of Alameda

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EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ALAMEDA

11
12 CITY OF ALBANY, a charter city,

13 Plaintiff,

14 v.

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

18 Defendants.

Case No. 22CV010822

Judge: Hon. Somnath Raj Chatterjee

**PLAINTIFF CITY OF ALBANY'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ITS MOTION TO
AFFIRM THE COURT'S
PREJUDGMENT POSSESSION
ORDER**

[Filed Concurrently Herewith:

- 1. Motion to Affirm Prejudgment Possession Order*
- 2. Declaration of Scott Ditfurth*
- 3. [Proposed] Order]*

Hearing

Date: January 12, 2023

Time: 2:30 p.m.

Dept.: 517

Reservation No. 347411201691

Action Filed: May 4, 2022

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1 **REQUEST FOR JUDICIAL NOTICE**

2 Pursuant to Evidence Code section 452, Plaintiff, City of Albany (the “City”), hereby
3 requests the Court to take judicial notice of the following documents in support of its Motion to
4 Affirm the Court’s Prejudgment Possession Order.

5 **I. ITEMS SUBJECT TO JUDICIAL NOTICE**

6 1. The Complaint that the Lions Club of Albany, California (“Defendant”) filed in the
7 United States District Court, Northern District of California, styled as *Lions Club of Albany v. City*
8 *of Albany*, and bearing Case Number 3:22-cv-05377-WHA (“*Lions Club IIP*”), a true and correct
9 copy of which is attached to the Declaration of Scott Ditfurth as ***Exhibit A***.

10 2. The Declaration of Jeff Bond in Support of the City’s Motion for Prejudgment
11 Possession in the instant action (“*Lions Club IP*”), a true and correct copy of which is attached to
12 the Declaration of Scott Ditfurth as ***Exhibit B***.

13 3. The Order Granting in Part and Denying in Part Cross-Motions for Summary
14 Judgment in *Lions Club of Albany, California v. City of Albany*, 323 F.Supp.3d 1104 (N.D. Cal.
15 2018) (“*Lions Club I*”), a true and correct copy of which is attached to the Declaration of Scott
16 Ditfurth as ***Exhibit C***.

17 4. Defendant’s brief in the Ninth Circuit Court of Appeals pertaining to the appeal
18 from *Lions Club I* (Ninth Circuit Court of Appeal, Case No. 18-17046), a true and correct copy of
19 which is attached to the Declaration of Scott Ditfurth as ***Exhibit D***.

20 5. The City’s Motion for Prejudgment Possession and the Reply brief in support
21 thereof, both of which were filed in this action (i.e., *Lions Club II*), true and correct copies of which
22 are attached to the Declaration of Scott Ditfurth as ***Exhibit E***.

23 6. The Notice of Deposit of Probable Just Compensation, a true and correct copy of
24 which is attached to the Declaration of Scott Ditfurth as ***Exhibit F***.

25 7. Defendant’s opposition to the City’s Motion for Prejudgment Possession in this
26 action, a true and correct copy of which is attached to the Declaration of Scott Ditfurth as ***Exhibit***

27 **G.**

28 8. This Court Order granting the City’s Motion for Prejudgment Possession, a true and

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correct copy of which is attached to the Declaration of Scott Ditfurth as *Exhibit H*.


9. Judge Alsup’s November 17, 2022 Preliminary Injunction Order in *Lions Club III*, a true and correct copy of which is attached to the Declaration of Scott Ditfurth as *Exhibit I*.

II. COURT’S AUTHORITY TO JUDICIALLY NOTICE EXHIBITS

The Court may take judicial notice of these exhibits because they are all records of either state or federal courts. (Cal. Evid. Code, § 452, subd. (d); *Hart v. Darwish* (2017) 12 Cal.App.5th 218, 224.)

Dated: December 8, 2022

BEST BEST & KRIEGER LLP

By: 

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