

Case No.

**IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA**

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FADDE MIKHAIL

*Petitioner,*

v.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH,

and

DR. MUNTU DAVIS, M.D.,

County of Los Angeles Public Health Officer, In His Official Capacity

*Respondents.*

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**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF EMERGENCY VERIFIED  
PETITION FOR WRIT OF MANDAMUS  
OR OTHER EXTRAORDINARY OR IMMEDIATE RELIEF FOR A  
STAY ON THE JULY 15, 2021 MASK MANDATE IN LOS ANGELES COUNTY;  
MEMORANDUM OF POINTS AND AUTHORITIES**

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**IMMEDIATE RELIEF REQUESTED –  
NO LATER THAN JULY 17, 2021**

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Document received by the CA Supreme Court.

1. Petitioner Fadde Mikhail requests that the Court take judicial notice pursuant to Evidence Code sections 452 and 453 of each of the following documents that are referenced in his Petition for Writ of Mandamus.
2. Filed herewith and marked as **Exhibit 1**, is a true and correct copy of Governor Gavin Newsom's March 4, 2020 [proclamation](#) of a State of Emergency.
3. Filed herewith and marked as **Exhibit 2**, is a true and correct copy of Governor Gavin Newsom's March 12, 2020 Executive Order N-25-20.
4. Filed herewith and marked as **Exhibit 3**, is a true and correct copy of Governor Gavin Newsom's June 11, 2021 Executive Order N-08-21.
5. Filed herewith and marked as **Exhibit 4**, is a true and correct copy of County of Los Angeles Department of Public Health July 15, 2021 Health Advisory.
6. Filed herewith and marked as **Exhibit 5**, is a true and correct copy of a CDC webpage titled "About Variants of the Virus that Causes COVID-19" that was last updated on June 28, 2021.
7. Filed herewith and marked as **Exhibit 6**, is a true and correct copy of CDC's guidance titled "When You've Been Fully Vaccinated" that was last updated June 17, 2021.
8. Filed herewith and marked as **Exhibit 7**, is a true and correct copy of the California Department of Public Health Guidance for the Use of Masks that was published on June 9, 2021.
9. Filed herewith and marked as **Exhibit 8**, is a true and correct copy of Cal/OSHA's revised COVID-19 Prevention Emergency Temporary Standards published on June 17, 2021.
10. Filed herewith and marked as **Exhibit 9**, is a true and correct copy of Governor Gavin Newsom's June 17, 2021 Executive Order N-09-21.
11. Filed herewith and marked as **Exhibit 10**, is a true and correct copy of an April 6, 2021 John Hopkin's article titled "What is Herd Immunity and How Can We Achieve It With COVID-19."

12. Exhibits 1-9 are the proper subject of judicial notice under Evidence Code section 452(b), which provides that judicial notice may be taken of “[r]egulations and legislative enactments issued by or under the authority of the United States or any public entity in the United States.”

13. Exhibits 1-10 are the proper subject of judicial notice under Evidence Code section 452(h), which provides that judicial notice may be taken of “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”

14. Section 453 of the Evidence Code further provides that judicial notice of the matters set forth in section 452 is mandatory if properly requested by a party. The requesting party must give sufficient notice of the request to enable the adverse party to prepare to meet it, and furnish the court with sufficient information to enable to Court to take judicial notice of the matter. (Evid. Code, § 453, subds. (a) & (b).)

15. Accordingly, Petitioner respectfully requests that this Court take judicial notice of the documents attached as Exhibits 1 through 10.

Dated: July 16, 2021



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Harmeet K. Dhillon  
Mark P. Meuser

Attorneys for Petitioner