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ALLIANCE OF LOS ANGELES COUNTY PARENTS  
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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF LOS ANGELES**

9 ALLIANCE OF LOS ANGELES COUNTY  
10 PARENTS, an unincorporated association

11 Petitioner and Plaintiff,

12 vs.

13 COUNTY OF LOS ANGELES DEPARTMENT  
14 OF PUBLIC HEALTH; MUNTU DAVIS, in his  
official capacity as Health Officer for the County  
15 of Los Angeles; BARBARA FERRER, in her  
official capacity as Director of the County of Los  
16 Angeles Department of Public Health; and DOES  
17 1 through 25, inclusive,

18 Respondents and Defendants.  
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Case No.: 22STCP02772

**ALLIANCE OF LOS ANGELES COUNTY  
PARENTS' OBJECTION TO  
RESPONDENTS' REQUEST FOR  
JUDICIAL NOTICE**

HEARING DATE: December 15, 2022  
TIME: 9:30 a.m.  
DEPT: 85

COMPLAINT FILED: July 26, 2022  
TRIAL DATE: Not set

1 Plaintiff and Petitioner Alliance of Los Angeles County Parents respectfully submit the  
2 following Objection to Defendants and Respondents County Of Los Angeles Department Of Public  
3 Health, Muntu Davis, and Barbara Ferrer’s (“Respondents”) Request for Judicial Notice (“RJN”).

4 **I. JUDICIAL NOTICE OF THE STATEMENTS CITED BY RESPONDENTS IS**  
5 **CONTRARY TO LAW.**

6 Respondents ask this Court to take judicial notice of Exhibit A, which consists of statements  
7 and opinions made on the website of the Centers for Disease Control and Prevention (“CDC”), a  
8 division of the United States Department of Health & Human Services. Those statements and  
9 opinions, which purport to be a summary of “everyday preventive actions that schools and ECE  
10 programs can take,” are of questionable veracity, making them unsuitable for judicial notice.

11 Under Evidence Code § 452(h) judicial notice may be taken only of “[f]acts and propositions  
12 that are *not reasonably subject to dispute* and are capable of immediate and accurate determination  
13 by resort to *sources of reasonably indisputable accuracy.*” Cal. Evid. Code § 452(h) (emphasis  
14 added). The California Supreme Court has held that even judicial notice of the authenticity and  
15 contents of an official document does not establish the truth of the recitals therein, nor does it render  
16 inadmissible hearsay admissible. *Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal. 4th 1057,  
17 1063 (truth of government reports of tobacco use not judicially noticeable); *see also People v. Long*  
18 (1970) 7 Cal. App. 3d 586, 591 (“While the courts take judicial notice of public records they do not  
19 take notice of the truth of the matters stated therein”); *Marocco v. Ford Motor Co.* (1970) 7 Cal.  
20 App. 3d 84, 88 (judicial notice of the authenticity and contents of an official document does not  
21 establish the truth of the recitals therein, nor does it render inadmissible hearsay admissible).

22 In this case, Respondents apparently seek judicial notice of the truth of the statements and  
23 opinions on the CDC website that satisfy neither of the two criteria set forth in Evid. Code § 453(h).  
24 In particular, Respondents would have this Court take judicial notice of the section of the CDC  
25 website that claims, without citation to any study, that mask-wearing can reduce the spread of  
26 COVID. While the masking section of Respondents’ Exhibit A focuses on supporting people who  
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1 choose to mask, and not on forcing people to mask, this Court cannot take judicial notice of  
2 inadmissible hearsay.

3       There is no indication of who the author of the website is, what sources the author used to  
4 come to his/her opinions, or if the author has studied masking in any significant detail that might  
5 enable the author to opine on why the CDC suddenly believes that masking reduces spread of not  
6 only COVID, but of RSV and flu despite hundreds of years of research to the contrary. The  
7 statements made in Exhibit A are reasonably subject to dispute, and are *not* capable of immediate  
8 and accurate determination by resort to sources of reasonably indisputable accuracy. The CDC may  
9 be part of a federal agency, but they are not an omnipotent and unquestionable source of  
10 information.

11       Regardless of what the CDC publishes on its website, the disputed issue of whether a mask  
12 mandate is rational or arbitrary, capricious, and beyond the bounds of reason given current scientific  
13 realities should be decided on the merits, and not on demurrer.

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Respectfully submitted:

Dated: December 1, 2022

Hamill Law & Consulting

By:         /s/ Julie A. Hamill                          
Julie A. Hamill  
Attorney for Petitioner  
Alliance of Los Angeles County Parents