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12 CITY OF CHICO and CITY OF CHICO
13 POLICE DEPARTMENT

14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

16 BOBBY WARREN; ANDY LAMBACH;
17 JONATHON WILLIAMS; MICHAEL
18 SAMUELSON; TRACY MILLER; TONA
19 PETERSEN; CAROL BETH THOMPSON;
20 CHRISTA STEVENS,

21 Plaintiffs,

22 vs.

23 CITY OF CHICO; CITY OF CHICO
24 POLICE DEPARTMENT,

25 Defendants.

26 Case No.: 2:21-cv-00640-DAD-DMC

27 **DEFENDANTS' REQUEST FOR**
28 **JUDICIAL NOTICE IN SUPPORT OF**
DEFENDANTS' REPLY RE MOTION FOR
RELIEF FROM A FINAL JUDGMENT OR
ORDER PURSUANT TO FRCP RULE
60(b)(5) AND 60(b)(6)

Hearing on Motion
Vacated

Complaint Filed: April 11, 2021
Case Closed: January 14, 2022

29 **TO THE COURT AND TO ALL PARTIES HEREIN:**

30 **PLEASE TAKE NOTICE THAT** pursuant to Federal Rule of Evidence 201, Defendants CITY
31 OF CHICO and CITY OF CHICO POLICE DEPARTMENT (“Defendants”) hereby request that the
32 Court take judicial notice of the following documents in support of Defendants’ Reply in Support of
33 Motion for Relief from a Final Judgment or Order Pursuant to FRCP Rule 60(b)(5) and 60(b)(6):

- 34 1. California Department of Forestry and Fire Protection (Cal Fire) Incident Report re 2018
35 Camp Fire, accessible at: <https://www.fire.ca.gov/incidents/2018/11/8/camp-fire>, a true
36 and correct copy of which is also attached hereto as **Exhibit B**.

1 2. California Department of Forestry and Fire Protection (Cal Fire) Incident Report re 2024
2 Park Fire, and accessible at: <https://www.fire.ca.gov/incidents/2024/7/24/park-fire>, a true
3 and correct copy of which is also attached hereto as **Exhibit C**.

4 Judicial notice may be taken of any “fact that is not subject to a reasonable dispute because it...is
5 generally known within the trial court’s territorial jurisdiction [or] can be accurately and readily
6 determined from sources whose accuracy cannot be reasonably questioned.” Fed. R. Evid. 201(b). The
7 court may take judicial notice of “matters of public record,” *Lee v. City of Los Angeles*, 250 F.3d 668,
8 689 (9th Cir. 2001). Additionally, “government documents available from reliable sources on the
9 internet” are properly subject to judicial notice. *See Givens v. Newsom*, 459 F.Supp.3d at 1309 (E.D. Cal.
10 May 8, 2020).

11 Here, the above-referenced incident reports issued by the California Department of Forestry and
12 Fire Protection (Cal Fire) are properly subject to judicial notice under the cited authorities. Those public
13 records are not subject to reasonable dispute as it is generally known within our jurisdiction and can
14 otherwise be accurately and readily determined from sources whose accuracy cannot be reasonably
15 questioned. Fed. R. Evid. 201(b).

16 For these reasons, Defendants respectfully request that the Court take judicial notice of the above-
17 referenced documents.

18
19 Dated: October 4, 2024

20 Respectfully submitted,
ALVAREZ-GLASMAN & COLVIN

21 By: /s/ Eric G. Salbert

22 Stephen T. Owens

23 Eric G. Salbert

24 Christy M. Garcia

25 Attorneys for Defendants, CITY OF CHICO and
26 CITY OF CHICO POLICE DEPARTMENT
27
28

EXHIBIT B



Contact Us

About

Emergency? **Call 911**

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Search incidents and safety information

Home > Incidents > Camp Fire

SEARCH

Camp Fire

100% Contained | 153,336 Acres | 1 County: Butte



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LAYERS



- Recent Perimeters
- Evacuation Orders and Warnings
- Active Air Assets
- 5-Year Fire History

Date Started

11/08/2018 6:33 AM

Last Updated

09/26/2024 1:34 PM

Date Contained 11/25/2018 8:00 AM (Active for 17 days)	Cause Power Lines
Admin Unit Unified Command: CAL FIRE, Butte County Sheriff Department, Paradise Police Department, USFS	Location Pulga Road at Camp Creek Road near Jarbo Gap [39.8134,-121.4347]
Reports Status reports	

Status Update

Situation Summary

[Camp Fire WERT Report](#)

Resources Assigned

1,065 Personnel	2 Helicopters	73 Engines	3 Dozers	3 Water Tenders	11 Crews
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Numerous firefighting air tankers from throughout the State are flying fire suppression missions as conditions allow.

Damage Assessment

Confirmed Damage to Property, Injuries, and Fatalities.

754

Structures
Damaged
Residential,
Commercial
and Other

18,804

Structures
Destroyed
Residential,
Commercial and
Other

85

Fatality
Confirmed Fire
Personnel and
Civilian Fatalities

3

Injuries
Confirmed Fire
Personnel and
Civilian Injuries

Contact Information

Public Information Line

(530) 538-7826

Camp Fire Media Line

(530) 487-4788

Missing Person Call Center

(530) 538-6570

Missing Person Call Center 2

(530) 538-7544

Missing Person Call Center 3

(530) 538-7671

Finding Pets and Pet Rescue

(530) 895-0000

Agency Information

Unified Command: CAL FIRE, Butte County Sheriff Department, Paradise Police Department, USFS

California Department of Transportation

California Department of Corrections and Rehabilitation

California Highway Patrol

California Office of Emergency Services**National Weather Service****California Conservation Corps****Butte County****City of Chico**

The map layers provided are powered by Esri, Genasys, Perimeter and other potential resources, and are based on their respective data sources. The accuracy and reliability of the information are subject to the data by these platforms.

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Wildfire Resilience

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EXHIBIT C



Contact Us

About

Emergency? **Call 911**

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Search incidents and safety information

Home > Incidents > Park Fire

SEARCH

Park Fire



100% Contained

429,603 Acres

2 Counties: Butte, Tehama



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LAYERS




- Recent Perimeters
- Evacuation Orders and Warnings
- Active Air Assets
- 5-Year Fire History

Date Started

07/24/2024 2:52 PM

Last Updated

10/01/2024 9:07 AM

Cause Arson	Incident Maps 3D Map 
Admin Unit CAL FIRE Butte Unit, CAL FIRE Tehama-Glenn Unit and Lassen National Forest	Incident Management Team USFS Southwest Area IMT2
Location Off Upper Park Road in Bidwell Park, Chico [39.7789,-121.76168]	Reports Status reports

Status Update





Situation Summary

The Park Fire is 100 percent contained.

[3D Map View](#) 

[Calnf Park Fire Information](#) | [InciWeb \(wildfire.gov\)](#) 

Incident Photos & Video

- [Fire Photo Album](#) 
- [Park Fire Youtube Playlist](#) 
- [Park Fire - CAL FIRE BTU YouTube Playlist](#) 
- [Park Fire - CAL FIRE TGU YouTube Playlist](#) 

News Releases / Media Advisories

- [Arson Arrest News Release](#) 

State of Emergency and Federal Assistance


Governor Newsom secures additional federal assistance for Park Fire, surveys damage

<https://www.gov.ca.gov/2024/07/27/governor-newsom-secures-additional-federal-assistance-for-park-fire-surveys-damage/> 

- **Governor Newsom proclaims state of emergency in Plumas, Butte and Tehama counties due to fires**

<https://www.gov.ca.gov/2024/07/26/governor-newsom-proclaims-state-of-emergency-in-plumas-butte-and-tehama-counties-due-to-fires/> 

- **California secures federal assistance to support response to Park Fire**

<https://www.gov.ca.gov/2024/07/25/california-secures-federal-assistance-to-support-response-to-park-fire/> 

Damage Assessment

Confirmed Damage to Property, Injuries, and Fatalities.

<p>54</p> <p>Structures Damaged Residential, Commercial and Other</p>	<p>709</p> <p>Structures Destroyed Residential, Commercial and Other</p>	<p>0</p> <p>Fatality Confirmed Fire Personnel and Civilian Fatalities</p>	<p>0</p> <p>Injuries Confirmed Fire Personnel and Civilian Injuries</p>
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Park Fire Structure Status

Field damage inspection has concluded. The icons on the map indicate the known status of the structure. By entering this site, you are making a public record request pursuant to Government Code Section 6254 et seq. for the information contained herein.

I agree to the above terms and conditions

Agency Information

Social Media



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by these platforms.



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CERTIFICATE OF SERVICE

Bobby Warren, et al. v. City of Chico, et al.
Case No.: 2:21-cv-00640-DAD-DMC

I hereby certify that I electronically filed the foregoing document(s) with the Clerk of the United States District Court, Eastern District of California - by using the CM/ECF system on October 4, 2024.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Executed on October 4, 2024, at City of Industry, California.

/s/ Juanita Vasquez
Juanita Vasquez