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9
10 Attorneys for Plaintiff
PLATED PERSONAL CHEF SERVICES LTD
11 D/B/A SAUCY BIRD

12 **SUPERIOR COURT OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14
15 PLATED PERSONAL CHEF SERVICES LTD,
16 a New York corporation d/b/a Saucy Bird,

17 Petitioner and Plaintiff,

18 vs.

19 CITY OF LOS ANGELES, a municipal
corporation; CITY OF LOS ANGELES CITY
20 COUNCIL; and DOES 1 through 10, inclusive,

21 Respondents and Defendants.

CASE NO. 24STCP02773

**PETITIONER'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
APPLICATION FOR TRO/OSC**

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24 Petitioner Plated Personal Chef Services Ltd d/b/a Saucy Bird, hereby submits this Request
25 to for Judicial Notice pursuant to California Evidence Code §§450-52.

26 **REQUEST FOR JUDICIAL NOTICE**

1 Petitioner hereby requests the Court to take judicial notice of Exhibits A, B and C (the
2 “Exhibits”) attached to the Declaration of Larry Slade, Esq., in support of Petitioner’s Application
3 for Temporary Restraining Order and Order to Show Cause, pursuant to California *Evidence Code*
4 §§450-452:
5

6 The Exhibits consist of the below-listed items:
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8 **I. EXHIBITS SUBJECT TO JUDICIAL NOTICE**

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EXHIBIT	DESCRIPTION
A	Los Angeles Municipal Code §80.70
B	Official Action of the Los Angeles City Council, dated April 11, 1990
C	Official Action of the Los Angeles City Council, dated August 2, 2006

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17 **II. THE COURT’S AUTHORITY TO JUDICIALLY NOTICE DECLARATION**
18 **EXHIBITS A-C**

19 Evidence Code section 452, subsections (b) and (c) provide for judicial notice of “local
20 ordinances...and the official resolutions, reports, and other official acts of a city.” *Trinity Park, L.P.*
21 *v. City of Sunnyvale* (2011) 193 Cal. App. 4th 1014, 1027, disapproved on other grounds by *Sterling*
22 *Park, L.P. v. City of Palo Alto* (2013) 57 Cal. 4th 1193; *see* Cal. Evid. Code § 452(b) (providing for
23 judicial notice of regulations and legislative enactments issued by...any public entity in the United
24 States); Cal. Evid. Code § 452(c) (providing for judicial notice of official acts of the United States
25 and any state); Cal. Evid. Code § 200 (definition of public entity includes any city, public agency,
26 political subdivision, or public corporation); *Jordan v. Los Angeles Cnty.* (1968) 267 Cal. App. 2d
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1 794, 798 (Evidence Code section 452 read alongside the definition of public entity “abandons the
2 limitation of judicial notice of ordinances or any similar legislative enactments”).

3 California courts routinely take judicial notice of city planning records and official
4 resolutions and records relating to development projects under Evidence Code section 452. *See*
5 *Shapiro v. San Diego City Council* (2002) 96 Cal. App. 4th 904, 907, n.2 (appellate court taking
6 judicial notice of city’s development, management, and occupancy agreements with a private
7 developer and related city council resolutions); *City of Corona v. Naulls* (2008) 166 Cal.App.4th
8 418, 420 n.1 (trial and appellate courts taking judicial notice of city's specific plan encompassing
9 defendant’s marijuana dispensary and defendant’s business license application); *Tuolumne Cnty.*
10 *Citizens for Responsible Growth, Inc. v. City of Sonor* (2007) 155 Cal. App. 4th 1214, 1220 as
11 modified (Oct. 31, 2007) (appellate court considering a writ petition challenging a city's project
12 approval and taking judicial notice of exhibits relating to realignment of affected road, and
13 resolutions of county transportation council).

14 Here, the Exhibits are judicially noticeable under Evidence Code section 452, subsections
15 (b) and (c), as official resolutions, reports, and acts of the City. *See Trinity Park, L.P.*, 193 Cal. App.
16 4th at 1027. Exhibit A is a true and correct copy of the Los Angeles Municipal Code §80.70,
17 prohibiting or limiting parking in anti-gridlock zones. Declaration of Larry Slade, Esq. in Support of
18 Petitioner’s TRO/OSC (“Slade Decl.”) ¶ 2 Ex. A.

19 Exhibit B is a true and correct copy of Ordinance No. 16603, an official action of the City
20 Council of Los Angeles (“City Council”), wherein the City Council issued a Resolution of
21 Necessity authorizing the taking of a private property to establish a parking lot located at 2377
22 Midvale Avenue. Slade Decl. ¶ 3, Ex. B.

23 Exhibit C is a true and correct copy of Ordinance No. 177753, an official action of the City
24 Council, wherein the City Council designated certain anti-gridlock zones. Slade Decl. ¶ 4, Ex. C.

1 Under Evidence Code §453, a court “shall” take judicial notice of any matter specified in
2 §452 if a party requests the notice, gives sufficient notice of the request, and furnishes the court with
3 sufficient information to take judicial notice of the matter. Cal. Evid. Code § 453. Through this
4 Request Petitioner has requested that the Court take judicial notice of the Exhibits, provided the
5 Parties sufficient notice of the request, and provided the Court with sufficient information to take
6 judicial notice of the Exhibits. Accordingly, judicial notice of the Exhibits is mandatory.
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8 **III. CONCLUSION**

9 For the foregoing reasons, Petitioner respectfully requests that the Court take judicial notice
10 of Exhibits A, B, and C, attached to the Declaration of Larry Slade, in support of Petitioner’s
11 Application for TRO/OSC, filed concurrently
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13 Respectfully submitted,

14
15 Dated: August 29, 2024

LAW OFFICES OF DARIN MARGULES, PLC

16
17 By *Darin Margules*
18 Darin Margules
19 Attorney for Petitioner
20 Saucy Bird

21 SLADE LAW

22
23 *Larry Slade*
24 By: Larry Slade,
25 Attorney for Petitioner
26 Saucy Bird
27
28

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25 CITY OF LOS ANGELES, a municipal
26 corporation; CITY OF LOS ANGELES CITY
27 COUNCIL; and DOES 1 through 10, inclusive,

28 Respondents and Defendants.

CASE NO. 24STCP02773

**DECLARATION OF LARRY SLADE,
ESQ. IN SUPPORT OF PETITIONER'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF APPLICATION FOR
TRO/OSC**

I, Larry Slade, declare:

1. I am an attorney licensed in the State of California and am a counsel of record for Petitioner Plated Personal Chef Services Ltd d/b/a Saucy Bird in the above-referenced action. I have personal knowledge of the following matters and if called as a witness, I could and would so testify. I hereby submit this declaration in support of Petitioner's Application for

1 TRO/OSC.

- 2 2. Exhibit A is a true and correct copy of the Los Angeles Municipal Code §80.70, prohibiting
3 or limiting parking in anti-gridlock zones.
- 4 3. Exhibit B is a true and correct copy of Ordinance No. 16603, an official action of the City
5 Council of Los Angeles (“City Council”), wherein the City Council issued a Resolution of
6 Necessity authorizing the taking of a private property to establish a parking lot located at
7 2377 Midvale Avenue.
- 8 4. Exhibit C is a true and correct copy of Ordinance No. 177753, an official action of the City
9 Council, wherein the City Council designated certain anti-gridlock zones.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct. Executed on August 28, 2024, in Sherman Oaks, California.
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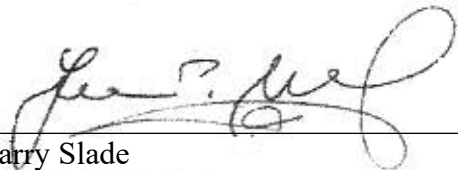
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18 _____
19 Larry Slade
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EXHIBIT A

SEC. 80.70. PARKING PROHIBITED OR LIMITED IN ANTI-GRIDLOCK ZONES.

(Added by Ord. No. 177,753, Eff. 9/8/06.)

(a) Whenever, with reference to any Major Highway or portion of a Major Highway, the Department determines that traffic demand between 6:00 a.m. and 7:00 p.m. on weekdays requires the use of the curb lane as an additional, continuous lane for through-traffic in order to avoid gridlock, it shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone, other than for emergency repairs or activities authorized by the City pursuant to permits issued for these activities, during these hours and days as are indicated on signs. The Department of Transportation shall determine and identify those streets in the City of Los Angeles that comprise Anti-Gridlock Zones, and shall install and maintain signs giving notice of the Zone.

(b) The Department of Transportation is authorized to include notice, on any sign that prohibits the stopping or parking of vehicles in an Anti-Gridlock Zone during certain hours and days, that vehicles parked or left standing in violation of the sign may be removed.

(c) The provisions of Section 88.01.1 of this chapter are not applicable to signs erected pursuant to this section.

EXHIBIT B

ORDINANCE NO. 166003

An Ordinance of the City of Los Angeles finding that the public interest and necessity require the "Parking Lot 707 - Pico-Midvale" Improvement Project, and the acquisition of property therefore, (Work Order No. E1560012, Right of Way No. 32871).

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. The Council of the City of Los Angeles resolves, finds and determines that the public interest and necessity require the "Parking Lot 707 - Pico-Midvale" Improvement Project (Work Order No. E1560012, Right of Way No. 32871); the project is planned and located in the manner which is most compatible with the greatest public good and the least private injury, and the property described herein is necessary for the project; and the property has been appraised and an amount has been established which it is believed to be just compensation for the property, and an offer has been made to the owner or owners of record to acquire the property for the full amount of said just compensation.

Sec. 2. The property is to be acquired for public off-street parking facilities under the authority of California Government Code Section 37350.5.

Sec. 3. The property to be acquired is located in the City of Los Angeles, County of Los Angeles, State of California. The property interest to be acquired is a fee simple absolute in the real property described as follows:

Parcel No. 1Z (Fee Simple Absolute):
Lots 21, 22 and 23, Block 29, Tract No. 5609, as per map recorded in Book 60, pages 34, 35 and 36 of Maps, in the Office of the County Recorder of Los Angeles County.

Sec. 4. Notice has been given by first class mail to each person whose property is to be acquired by eminent domain, which notice advised each such person of the intent of the Council to adopt this Ordinance, of the right to appear and be heard by the Council, and each owner who so requested was given an opportunity to appear and was heard by the Council.

Sec. 5. The City Attorney is authorized to commence an action in eminent domain to acquire said property.

Description Approved
ROBERT S. HORII, City Engineer
LaGronie Wyatt, Division Engineer

By: Donna K. Johnson Date: March 20, 1990

Sec. 9 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of APR 11 1990

ELIAS MARTINEZ, City Clerk,

By Edward W. ... Deputy.

Approved APR 18 1990

Tom Bradley Mayor.

Approved as to Form and Legality

APR 3 1990

JAMES K. HAHN, City Attorney,

By Gail C. Weingart GAIL C. WEINGART, Deputy City Attorney

Pursuant to Sec. 97.8 of the City Charter, approval of this ordinance recommended for the City Planning Commission

MAR 28 1990 (plm)

See attached report

Kenneth C. Topping Director of

File No. C.F. Nos. 89-0996-S1 86-0996-S2

LAS 401131 4/26

EXHIBIT C

ORDINANCE NO. 177753

An ordinance adding a new Section 80.70 and amending Sections 80.76.2 and 89.60 of Chapter VIII of the Los Angeles Municipal Code to prohibit or limit parking on certain streets in designated Anti-Gridlock Zones.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Division N of Chapter VIII of the Los Angeles Municipal Code is amended to add a new section 80.70 to read:

SEC. 80.70. PARKING PROHIBITED OR LIMITED IN ANTI-GRIDLOCK ZONES

(a) Whenever, with reference to any Major Highway or portion of a Major Highway, the Department determines that traffic demand between 6:00 a.m. and 7:00 p.m. on weekdays requires the use of the curb lane as an additional, continuous lane for through-traffic in order to avoid gridlock, it shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone, other than for emergency repairs or activities authorized by the City pursuant to permits issued for these activities, during these hours and days as are indicated on signs. The Department of Transportation shall determine and identify those streets in the City of Los Angeles that comprise Anti-Gridlock Zones, and shall install and maintain signs giving notice of the Zone.

(b) The Department of Transportation is authorized to include notice, on any sign that prohibits the stopping or parking of vehicles in an Anti-Gridlock Zone during certain hours and days, that vehicles parked or left standing in violation of the sign may be removed.

(c) The provisions of Section 88.01.1 of this chapter are not applicable to signs erected pursuant to this section.

Sec. 2. Division O of Section 80.76.2 of the Los Angeles Municipal Code is amended to add the following in numerical order:

SEC. 80.76.2. CIVIL PENALTIES

SEC. 80.70. PARKING IN ANTI-GRIDLOCK ZONE

Sec. 3. Division W of Section 89.60 of the Los Angeles Municipal Code is amended to add the following penalty provisions in numerical order:


SEC. 89.60 AUTHORITY

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
80.70	PARKING IN ANTI-GRIDLOCK ZONE	\$140	\$280	\$290

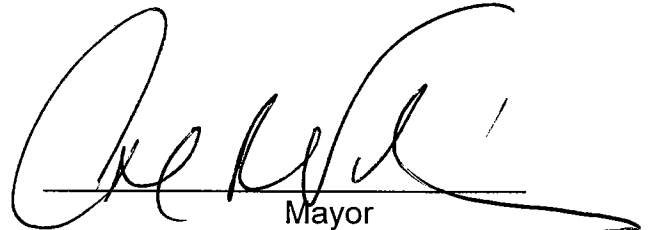
Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles on JUL 19 2006, and was passed at its meeting of AUG 02 2006.

FRANK T. MARTINEZ, City Clerk


By 
Deputy

Approved AUG 03 2006


Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
SHELLEY I. SMITH
Assistant City Attorney

Date July 7, 2006

File No. 06-0966

SIS
Gridlock Zone LAMC 80.70 Ord.doc