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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE

16 DAN GRIGSBY, et al.,

Case No. 25STCV00832

17 Plaintiff,

[Exempt from filing fees under Government Code section 6103]

18 |

19 CITY OF LOS ANGELES ACTING BY AND
20 THROUGH THE LOS ANGELES
21 DEPARTMENT OF WATER AND POWER, a government entity; CITY OF LOS
22 ANGELES, a government entity; CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, a government entity; STATE OF CALIFORNIA; SOUTHERN
23 CALIFORNIA EDISON COMPANY, a California corporation; EDISON
24 INTERNATIONAL, a California corporation; CHARTER COMMUNICATIONS, a
25 Delaware corporation; FRONTIER COMMUNICATIONS, a Delaware corporation; AT&T, Inc., a Delaware corporation; COUNTY OF LOS ANGELES, a
26 government entity; LAS VIRGENES MUNICIPAL WATER DISTRICT, a public
27 utility; SEMPLA ENERGY, a California
28

REPLY TO PLAINTIFFS' OPPOSITION TO REQUEST FOR JUDICIAL NOTICE

Date: February 5, 2026
Time: 1:45 p.m.
Dept.: 7

Assigned for All Purposes to:
Hon. Samantha Jessner, Dept. 7

Action Filed: January 13, 2025
Trial Date: Not set

1 corporation; SOUTHERN CALIFORNIA
2 GAS COMPANY, a California corporation; J.
3 PAUL GETTY TRUST, a California
charitable trust; MOUNTAIN RECREATION
4 AND CONSERVATION AUTHORITY, and
DOES 1 through 50, inclusive,

5 Defendants.

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7 Plaintiffs assert that the Court should not take judicial notice of the Wildfire Mitigation
8 Plan (“Plan”) and Public Utilities Commission Fire Threat Map (“Map”) that Plaintiffs cite and
9 quote throughout the Master Complaint and in their Opposition to the Demurrer because the
10 documents are “irrelevant,” “inapposite,” and the “subject of dispute”—arguments that are belied
11 by Plaintiffs’ own reliance on the documents. The Court should grant judicial notice of the Plan
12 and the Map because they are relevant to this litigation, their authenticity is not reasonably subject
13 to dispute, and they are capable of immediate and accurate determination as they are presented on
14 government websites, which courts routinely take judicial notice of. (See, e.g., *Pereda v. Atos Jiu*
15 *Jitsu LLC* (2022) 85 Cal.App.5th 759, 763, fn. 1 [allowing judicial notice because the website’s
16 “content—separate and apart from the truth of that content—is something ‘not reasonably subject
17 to dispute and [is] capable of immediate and accurate determination by resort to sources of
18 reasonably indisputable accuracy,’” alteration in original]; *Walt Rankin & Associates, Inc. v. City*
19 *of Murrieta* (2000) 84 Cal.App.4th 605, 624, fn. 12 [granting judicial notice of government
20 agency’s “official website”].).)¹

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24 ¹ Plaintiffs use their Opposition to the City’s Request for Judicial Notice to reiterate their
25 discretionary immunity arguments from their Opposition to the Demurrer, which the City
26 addresses in its Reply brief and does not address again here. Plaintiffs also posit a new theory not
27 stated in their Opposition that it is improper for the Court to rule on immunity at this stage of the
28 pleadings because Plaintiffs have not conducted discovery regarding the Plan, but offer no
reasoning or legal support for this argument. The City addresses this argument insofar as it relates
to its Request for Judicial Notice (“RJN”), but does not consider it as a basis on which Plaintiffs
are challenging the Demurrer.

1 **A. The Plan**

2 Plaintiffs argue that judicial notice of the Plan is improper because Plaintiffs reference the
3 Plan in the Master Complaint, which “makes it the very subject of dispute.” (Opp. to RJD at p. 3.)
4 Plaintiffs misstate the law. The standard for taking judicial notice of a document and its facial
5 contents, but not the truth of those contents², is whether there is reasonable “dispute regarding the
6 document’s authenticity.” (*Fontenot v. Wells Fargo Bank, N.A.* (2011) 198 Cal.App.4th 256,
7 265.) Plaintiffs do not contest the authenticity of the Plan, and dispute over the Plan’s impact on
8 the viability of Plaintiffs’ claims is irrelevant to whether it is subject to judicial notice. Moreover,
9 Plaintiffs implicitly confirm the authenticity of the Plan and its contents by relying on it in their
10 Master Complaint and Opposition, where they directly quote the Plan and provide a link to it.³
11 (MC ¶¶ 208, 228-231, 427; Opp. at p. 17, 18, fn. 7, 19.)

12 Plaintiffs advance several other contradictory arguments to try and block the City from
13 referencing documents that they themselves rely on to their advantage. They state that the Plan is
14 “irrelevant” at this stage of litigation because the Court cannot decide the issue of immunity on a
15 demurrer, yet they cite the Plan in their Opposition and ask the Court to find that the City is not
16 immune based on statements in the Plan. (Opp. to RJD at pp. 3-6; Opp. at pp. 15-18.) Plaintiffs
17 also argue that judicially noticing the Plan and its facial contents will “prejudic[e]” them
18 “significantly,” but the Plan’s existence and contents are central to their positions in the Master
19 Complaint and the Opposition to the Demurrer. (Opp. to RJD at p. 4; MC ¶¶ 208, 228-231, 427;
20 Opp. at p. 17, 18 fn. 7, 19.) Plaintiffs are attempting to have it both ways—they assert that it is
21

22 ² Plaintiffs also assert that the City’s “sole purpose” in seeking judicial notice is to establish “the
23 truth of the statements contained within the document.” (Opp. to RJD at p. 4.) The City’s RJD,
24 however, “seeks judicial notice of the Plan solely to establish its contents, and not for the truth of
25 those contents.” (RJD at p. 2.) Judicial notice of “[t]he existence and facial contents of”
26 documents is proper under Evidence Code section 452. (*Yanova v. New Century Mortgage Corp.*
27 (2016) 62 Cal.4th 919, 924, fn. 1.)

28 ³ Despite citing it in the Master Complaint, Plaintiffs argue that the Plan is not subject to judicial
29 notice because it is “outside the four corners of the Master Complaint.” (Opp. to RJD at p. 4).
30 Plaintiffs cite no authority, and the City is unaware of any, that supports declining judicial notice
31 because the document is not attached to the complaint.

1 fair for them to cite or quote portions of the Plan, but it is unfair for the City to reference the same
2 document. But Plaintiffs cannot “select[] only portions of documents that support their claims,
3 while omitting portions of those very documents that weaken—or doom—their claims.” (*Khoja v.*
4 *Orexigen Therapeutics, Inc.* (9th Cir. 2018) 899 F.3d 988, 1002.) Plaintiffs’ pleadings show that
5 the Plan is relevant to the resolution of the Demurrer. Plaintiffs cite portions of it in support of
6 their argument that the City lacks immunity; the City should be allowed to point the Court to other
7 statements—in the same document—to support its argument for immunity. Since Plaintiffs
8 themselves put the Plan at issue and its contents are not reasonably subject to dispute, the Plan is
9 properly subject to judicial notice. (See, e.g., *Pereda, supra*, 85 Cal.App.5th at p. 763, fn. 1; *Walt*
10 *Rankin & Associates, Inc., supra*, 84 Cal.App.4th at p. 624, fn. 12; *Yanova, supra*, 62 Cal.4th at
11 p. 924, fn. 1.)

12 Finally, Plaintiffs contend that the City improperly requests the Court take judicial notice
13 “of the meaning” of the Plan but, as discussed, the City only requests judicial notice of the Plan to
14 “establish its contents” and not for the truth or an interpretation of those contents. (Opp. to RJN at
15 pp. 5-6; see RJN at p. 2.) The City asks only for the Court to judicially notice the facial contents
16 of the Plan, which is proper. (*Yanova, supra*, 62 Cal.4th at p. 924, fn. 1.)

17 **B. The Map**

18 Just as with the Plan, Plaintiffs argue the Court should not take judicial notice of the Map
19 identifying the different Tier zones for fire threat because it is “inapposite” and “addresses
20 allegations outside the 4 corners of [the Master Complaint],” but Plaintiffs repeatedly reference the
21 Map and Tier zones in the Master Complaint and the Opposition. (Opp. at 18, fn. 7; see MC
22 ¶¶ 208, 228-231.) Similarly, Plaintiffs reliance on the Tier zones displayed in the Map
23 contravenes their argument that it is not relevant, and it is properly subject to judicial notice. (See,
24 e.g., *Pereda, supra*, 85 Cal.App.5th at p. 763, fn. 1; *Walt Rankin & Associates, Inc., supra*, 84
25 Cal.App.4th at p. 624, fn. 12; *Yanova, supra*, 62 Cal.4th at p. 924, fn. 1.)

26 Plaintiffs’ arguments against judicial notice are disproved by their reliance on the Map.
27 (See *Khoja, supra*, 899 F.3d at p. 1002.) Since the Map is not subject to reasonable dispute and is
28 capable of immediate and accurate determination, the Court should grant judicial notice.

1 DATED: January 15, 2026

MUNGER, TOLLES & OLSON LLP

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By: */s/ Daniel B. Levin*
4 DANIEL B. LEVIN
5 Attorneys for Defendant City of Los Angeles and
6 the Los Angeles Department of Water and Power

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