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David H. Yamasaki, Clerk of the Superior Court
County of Santa Clara, California
By: 
Thang Tran

8 Attorneys for SAN JOSE MERCURY NEWS,
9 LLC

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SANTA CLARA

13 PEOPLE OF THE STATE OF CALIFORNIA,
14 Plaintiff,
15 v.
16 ANTOLIN GARCIA TORRES,
17 Defendant.

Case No. ~~G1233134~~ 213515

DECLARATION OF JAMES M. CHADWICK IN SUPPORT OF MEDIA MOTION TO INTERVENE AND UNSEAL GRAND JURY TRANSCRIPT; REQUEST FOR JUDICIAL NOTICE OF U.S. CENSUS BUREAU POPULATION FOR SANTA CLARA COUNTY

Date: April 16, 2014
Time: 1:30 p.m.
Dept: 27
Judge: Hon. Thang N. Barrett

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DECLARATION OF JAMES M. CHADWICK

I, James M. Chadwick, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for SAN JOSE MERCURY NEWS, LLC.

2. I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify thereto.

3. This declaration is submitted in support of *Media Motion To Intervene And Unseal Grand Jury Transcript*. On April 1, 2014, I accessed the website for the U.S. Census Bureau at <http://quickfacts.census.gov/qfd/states/06/06085.html> I searched for the population of Santa Clara County in the State of California. Attached hereto as exhibit 1 is a true and correct copy of the information I printed from that search. As exhibit 1 shows, the 2010 census population estimate was 1,781,658, and the 2013 population estimate is 1,862,041. It also shows that adults comprise about 76% of that population. The same information is available at <http://quickfacts.census.gov/qfd/states/06/06085.html> to verify its accuracy.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed April 1, 2014, at Palo Alto, California.



JAMES M. CHADWICK

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REQUEST FOR JUDICIAL NOTICE

Pursuant to California Evidence Code sections 451, 452 and 453, and in accordance with California law, the San Jose Mercury News, Inc. (the "Media"), requests that the Court take judicial notice of the following document attached hereto and referred to in the *Media Motion to Intervene And To Unseal Grand Jury Transcript* and Exhibit filed herewith:

(1) The U. S. Census Bureau population estimates for Santa Clara County, California, located at <http://quickfacts.census.gov/qfd/states/06/06085.html>, a copy of which is attached hereto as **Exhibit 1**.

POINTS AND AUTHORITIES IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE

Evidence Code section 452 provides that judicial notice may be taken of "[o]fficial acts of the legislative, executive, and judicial departments of the United States and of any state of the United States." (Evid. Code § 452, subd. (c) (Lexis-Nexis 2006).) Thus, the courts "may take judicial notice of statistical records and other reports and records of a state agency." (*California State Employees' Assn. v. Flournoy* (1973) 32 Cal.App.3d 219, 233 n. 10, citing *Harris v. Alcoholic Bev., etc. Appeals Bd.* (1965) 62 Cal.2d 589, 595-596 and *Doyle v. Board of Barber Examiners* (1963) 219 Cal.App.2d 504 (1963).) In addition, Evidence Code section 452, subdivision (h) states that "[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" may be subject to judicial notice. (Evid. Code § 452, subd. (h) (West 2005); see also, e.g., *Gavin W. v. YMCA of Metropolitan Los Angeles* (2003) 106 Cal.App.4th 662, 672 [taking judicial notice of statistical facts and data set forth in a portfolio published by the California Child Care Resource & Referral Network].)

Judicial notice of materials subject to notice under Evidence Code section 451 is mandatory. (Evid. Code § 451.) Upon a proper request for judicial notice pursuant to Evidence Code section 452, the Court is required to take judicial notice of the specified matter. (Evid. Code § 453.) Judicial notice of the materials submitted herewith is therefore required.

1 The Media therefore requests that the Court take judicial notice of the report of the U.S.
2 Census Bureau attached to the declaration of Guylyn R. Cummins as exhibit 1, which includes the
3 population estimated for Santa Clara County, California, which information is also available at
4 <http://quickfacts.census.gov/qfd/states/06/06085.html>.

5
6 **CONCLUSION**

7 For the reasons set forth, the Media requests that the Court take judicial notice of the
8 population estimates for San Clara County, California.

9
10 By


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13 Attorneys for SAN JOSE MERCURY NEWS, INC.
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