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8 Attorneys for Plaintiffs Christopher Ellis, Bradley D. Elow,
9 Robert Finch and Howard LaBore individually, and on
10 behalf of all others similarly situated

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SAN DIEGO**

15 CHRISTOPHER ELLIS, BRADLEY D. ELOW,)
16 ROBERT FINCH and HOWARD LaBORE,)
17 individually, and on behalf of all others similarly)
18 situated,)

19 Plaintiffs,)

20 v.)

21 JACKSON, DeMARCO, TIDUS &)
22 PECKENPAUGH, A LAW CORPORATION,)
23 GREGORY GLENN PETERSEN, an individual,)
24 CHRISTOPHER D. NISSEN, an individual,)
25 BRADLEY MATHEWS, an individual,)
26 STEPHENEY R. WINDSOR, an individual,)
27 MICHAEL ANTHONY JENKINS, an individual,)
28 and DOES 1-50,)

Defendants.)

CASE NO: 37-2010-00086284-
CU-PN-CTL

REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION

Date: November 19, 2010
Time: 10:00 a.m.
Judge: Hon. Ronald S. Prager
Dept: C-71
Complaint Filed: February 24, 2010
Trial: July 15, 2011

29 Pursuant to Evidence Code section 452, subdivisions (a), (b), (c) and (d), and section 453,
30 plaintiffs Christopher Ellis, Bradley D. Elow, Robert Finch and Howard LaBore respectfully
31 requests this Court to take judicial notice of the following document:

32 Exhibit 1: Order: (1) Granting City and Individual Defendants' Motions for
33 Summary Judgment Regarding 2005 Negotiations; (2) Granting Aguirre's
34 Motion for Summary Judgment; (3) Granting in Part and Denying in Part
35 city and Individual Defendants' Motion for Summary Judgment Regarding
36 Pension Underfunding; (5) Granting in Part and Denying in Part SDCERS'

1 Motion for Summary Judgment on Grounds Other than Statute of
2 Limitations; (6) Denying SDCERS' Motion for Summary Judgment
3 Regarding the Statute of Limitations; (7) Denying Plaintiff's Motions for
4 Summary Judgment Regarding Defendants' Affirmative Defenses, filed
5 May 18, 2007, in *San Diego Police Officers' Association v. Michael*
6 *Aguirre, et al.* United States District Court Case No. 05-CV-1581 H
7 (POR);

8 Exhibit 2: Order Granting Defendants' Motions for Summary Judgment With
9 Respect to Plaintiffs' Federal Claims and Dismissing Without Prejudice
10 Plaintiffs' State Claims, filed September 3, 2008, in *Erica Aaron, et al. v.*
11 *Michael Aguirre, et al.*, in United States District Court Case No. 06-CV-
12 1451 H (POR);

13 Exhibit 3: San Diego Municipal Code, Article 4, Division 12, sections 24.1201
14 through 24.1204;

15 Exhibit 4: San Diego Municipal Code, Article 4, Division 1, sections 24.0100
16 through 24.0707;

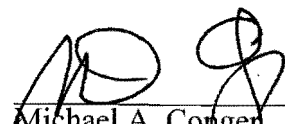
17 Exhibit 5: Order filed August 3, 2010, in *Marcus R. Abbe, et al. v. City of San Diego,*
18 *California*, United States District Court Case Nos. 09-56437, 09-56444,
19 10-55087 and 10-55089; and

20 Exhibit 6: Notice of Appearance filed by Gregory G. Petersen on August 13, 2010, in
21 *Marcus R. Abbe, et al. v. City of San Diego, California*, United States
22 District Court Case Nos. 09-56437.

23
24 Dated: October 15, 2010

LAW OFFICE OF MICHAEL A. CONGER

25
26 By:



Michael A. Conger
Attorney for Plaintiffs