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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF IMPERIAL

IMPERIAL VALLEY COMPUTER MANUFACTURING, LLC, Petitioner, vs. COUNTY OF IMPERIAL, Respondents,	Case No: ECU004800 Judge: Honorable Jeffrey B. Jones **PETITIONER'S REQUEST FOR JUDICIAL NOTICE** (Code Civ. Proc. §§ 1060, 1085, 1094.5) Date: July 28, 2026 Time: 8:30 a.m. Dept: 5 (Judge Jones)

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on **TUESDAY, JULY 28, 2026 at 8:30 am** in Dept. 5 of the Imperial County Superior Court, located at 939 Main Street, El Centro, California 92243, Petitioner hereby request that the Court take judicial notice of the following documents, true and correct copies of which are attached to the Declaration of Sebastian Rucci in Support of Request for Judicial Notice (Rucci Declaration):

1. The September 4, 2025, use determination letter issued by the Imperial County Planning and Development Services Department determining that the proposed data center, including its accessory buildings and structures, are permitted uses by rights including relevant attachments of the Imperial County Zoning Ordinance provisions governing the **M-1 and M-2 Medium Industrial** zone. (EXHIBIT 1).

2. Relevant excerpts of the official transcript of the April 7, 2026 public hearing on the lot merger, where the Board of Supervisors questioned Planning Director Jim Minnick (EXHIBIT 2).

MEMORANDUM OF POINTS AND AUTHORITIES

A. INTRODUCTION AND LEGAL STANDARD

The court should take judicial notice of Exhibits 1 and 2 to the Rucci Declaration pursuant to Evidence Code § 452 and 453. Evidence Code § 453 provides that a court "shall" take judicial notice of any matter specified in Evidence Code § 452, provided that the party requesting notice: (a) gives each adverse party sufficient notice of the request to enable that party to meet the request; and (b) furnishes the court with sufficient information to enable it to take judicial notice of the matter. This request, and Exhibits 1 and 2 filed herewith, satisfy the requirements of Evidence Code § 453 by providing all parties with notice adequate to enable them to oppose the request, and by providing the Court with both the entire materials for which notice is requested, and also a discussion of the propriety of taking judicial notice of Exhibits 1 and 2 pursuant to Evidence Code § 452.

Evidence Code § 452, subdivision (c), authorizes judicial notice of "[o]fficial acts of the legislative, executive, and judicial departments of the United States and of any state of the United States." (*Ibid*.) "Official acts" include "the records and files" of administrative agencies of the State of California, including legislative and regulatory materials pertaining to the enactments of statutes and regulations. (See *Fowler v. Howell* (1996) 42 Cal.App.4th 1746, 1750 [noting that "official acts" include records, reports, and orders of governmental agencies]; *Stevens v. Super. Ct.* (1999) 75 Cal.App.4th 594, 607 [official acts of Department of Insurance were subject to judicial notice].)

B. ARGUMENT

1. The Court Should Take Judicial Notice of Exhibit 1 (County Determination Letter) and Exhibit 2 (Official Lot Merger Transcript) as "Official Acts" Under Evidence Code Section 452, Subdivision (c).

The County of Imperial is a public agency covered by Evidence Code § 452, subdivision (c) and the determinations, decisions, and actions of the County, including its Planning Director, constitute "official acts" for purposes of judicial notice. Exhibit A includes the County Planning Director's Determination regarding the permissibility of the proposed data center and ancillary uses under the County Code. This determination was issued under the authority granted to the Planning Director in Municipal Code § 90102.03.

Accordingly, Exhibit 1 is subject to judicial notice as "official acts" under Evidence Code section 452, subdivision (c). (See e.g., *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 106, fn. 30 [judicial notice taken of resolution adopted by city]; *Long Beach Equities v. County of Ventura* (1991) 231 Cal.App.3rd 1016, 1024 [a court may take judicial notice of resolutions, reports, and other official acts of a city].)

3. **Exhibits 1 and 2 Are Relevant to the Court's Consideration of the Issues in the Motion for Judgment on the Pleadings**.

Judicially noticed materials must be relevant to the matter at hand. (See *Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063.) Exhibit 1 is relevant to the fact that the zoning ordinance permits many uses with zero set back to the property line.

Exhibit 2 to the Rucci Declaration includes the relevant transcript of the public hearing on the April 7, 2026 lot merger. Reviewing that transcript will aid the Court in determining if the County's position with regards to the timeline for final approval of the data center. Here, judicial notice establishes that approval is very far from occurring and that the industrial zoning includes uses much more impactful than data centers.

C. CONCLUSION

For all the reasons expressed above, the Petitioner respectfully request that the court take judicial notice of Exhibits 1 and 2 to the Rucci Declaration.

Respectfully submitted,

LAW OFFICES OF SEBASTIAN RUCCI, P.C.

Sebastian Rucci (State Bar No. 178114)
Attorneys for Petitioner

ATTORNEY'S CERTIFICATE OF SERVICE BY E-MAIL

I, Sebastian Rucci, certify that I am an active member of the State Bar of California and am not a party to this cause. My business address is 16400 Pacific Coast Highway, Suite 212, Huntington Beach, CA 92649.

I CERTIFY THAT on July 23, 2026, the **PETITIONER'S REQUEST FOR JUDICIAL NOTICE** was served electronically served on Nathan George at Ngeorge@rmmenvirolaw.com and Geoffrey Holbrook at geoffreypholbrook@co.imperial.ca.us by One Legal, through www.onelegal.com interface.

I FURTHER CERTIFY THAT on July 23, 2026, the **PETITIONER'S REQUEST FOR JUDICIAL NOTICE** was served electronically served on Nathan George at Ngeorge@rmmenvirolaw.com and Geoffrey Holbrook at geoffreypholbrook@co.imperial.ca.us from my law office Sebastian@Rucci.Law.

The transmission was complete without error and I did not receive an electronic notification to the contrary.

LAW OFFICES OF SEBASTIAN RUCCI, P.C.

Sebastian Rucci (State Bar No. 178114)
Attorneys for Petitioner