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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 SUPPLEMENTAL 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 a.m. in Dept 5 of the Imperial County Superior Court, located at 939 W. Main Street, El Centro, California, Petitioner Imperial Valley Computer Manufacturing, LLC will and hereby does request that the Court take judicial notice of the following documents, true and correct copies of which are attached to the concurrently filed Supplemental Declaration of Sebastian Rucci in Support of Supplemental Request for Judicial Notice ("Supplemental Rucci Declaration"):

EXHIBIT 3. The certified transcript of the public hearing held by the Imperial County Board of Supervisors on July 14, 2026, on Item 19, at which the Board adopted Ordinance No. 1618, "An Urgency Interim Ordinance Pursuant to Government Code Section 65858 Extending a Moratorium on the Approval of Data Center Facilities in the Unincorporated Area in the County of Imperial."

MEMORANDUM OF POINTS AND AUTHORITIES

A. INTRODUCTION AND LEGAL STANDARD

The Court should take judicial notice of EXHIBIT 3 to the Supplemental 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 satisfies both conditions: Respondents are served concurrently, and the complete document for which notice is requested is lodged with the Court together with a discussion of the propriety of taking notice of it.

B. EXHIBIT 3 IS AN OFFICIAL ACT UNDER EVIDENCE CODE § 452(c)

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." Official acts include the records and files of a public entity. (*Fowler v. Howell* (1996) 42 Cal.App.4th 1746, 1750 [official acts include records, reports, and orders of governmental agencies]; *Long Beach Equities, Inc. v. County of Ventura* (1991) 231 Cal.App.3d 1016, 1024 [court may take judicial notice of resolutions, reports, and other official acts of a local agency]; *Cedar Fair, L.P. v. City of Santa Clara* (2011) 194 Cal.App.4th 1150, 1156-1158 [resolutions, reports, and agenda].)

EXHIBIT 3 is the transcript of a duly noticed public hearing of the Imperial County Board of Supervisors, conducted pursuant to Government Code §§ 65090 and 65858, at which the Board adopted the very ordinance the Supplemental Verified Petition challenges.

The proceedings of a legislative body at a noticed public hearing are official acts of that body. Respondents have themselves sought judicial notice of materials from the same July 14, 2026 meeting. (See Respondents' Request for Judicial Notice, Exh. C [Board Agenda Fact Sheet prepared for the July 14, 2026 Board of Supervisors meeting].) Petitioner asks the Court to take notice of the balance of the record from that meeting.

C. THE PROPER SCOPE OF THE REQUEST

Petitioner requests judicial notice of EXHIBIT 3 for the fact that the statements it records were made at the hearing, and for what the hearing record does and does not contain. Petitioner does not request that the Court take notice of the truth of any matter asserted by any speaker. The transcript is offered because Respondents have placed in issue both the adequacy of the legislative findings supporting the extension and the measures the County has taken during the moratorium, and because the statements of Respondents' counsel at the hearing are statements of a party.

D. EXHIBIT 3 IS RELEVANT

EXHIBIT 3 is directly relevant to the central question presented: whether the facts recited in Ordinance No. 1618 may reasonably be held to constitute an urgency under Gov. Code § 65858, subdivision (c), a legal question this Court reviews independently.

EXHIBIT 3 establishes what was and was not placed before the Board of Supervisors at the hearing, including the absence of any staff report or documentary evidence on the item, and the absence of any questions from the Board. It is likewise relevant to Respondents' contention that Ordinance No. 1618 does not target Petitioner's project.

E. TIMELINESS

Exhibit 3 was certified on July 25, 2026, and is filed and served at the earliest practicable date thereafter. Respondents are not prejudiced: the document is a verbatim transcript of a public meeting of Respondents' own governing body, conducted by Respondents, at which Respondents' counsel was the presenting officer.

F. CONCLUSION

For the reasons stated above, Petitioner respectfully requests that the Court take judicial notice of Exhibit 3 to the Supplemental Rucci Declaration.

Respectfully submitted,

LAW OFFICES OF SEBASTIAN RUCCI, P.C.

Sebastian Rucci

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 25, 2026, the **PETITIONER PETITIONER'S SUPPLEMENTAL 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 25, 2026, the **PETITIONER'S SUPPLEMENTAL 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