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5 CHAD LINTON, PAUL MCKINLEY STEWART,
FIREARMS POLICY FOUNDATION,
6 FIREARMS POLICY COALITION,
SECOND AMENDMENT FOUNDATION,
7 THE CALGUNS FOUNDATION and MADISON
SOCIETY FOUNDATION

8
9 UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 CHAD LINTON, et al.,

12 Plaintiffs,

13 vs.

14 XAVIER BECERRA, in his official capacity as
15 Attorney General of California, et al.,

16 Defendants.

Case No. 3:18-cv-07653-JD

17 **REQUEST FOR JUDICIAL NOTICE IN
18 SUPPORT OF PLAINTIFFS'
19 OPPOSITION TO DEFENDANTS'
20 MOTION TO DISMISS**

21 Date: May 2, 2019
22 Time: 10:00 a.m.
23 Courtroom 11, 19th Floor
24 Judge: Hon. James Donato

25 Pursuant to Fed. Rule of Evidence 201, plaintiffs respectfully request the Court to take
26 judicial notice of the following matters, in support of their opposition to defendants' motion to
27 dismiss the complaint pursuant to Fed. Rule of Civ. Pro. 12(b)(6):

ITEM	DESCRIPTION
EXHIBIT A	Order on Motion Re: Vacating Record of Felony Conviction - Granted (ORVCJG), <i>State of Washington v. Chad Jay Linton</i> , Island County Superior Court No. 87-1-00064-9, filed March 21, 2016 (Plaintiffs' Complaint Exhibit A)
EXHIBIT B	RCW 9.41.040(4) Order Restoring Right to Possess Firearms, <i>Chad Jay Linton v. State of Washington</i> , Island County Superior Court No. 16-2-00196-8, filed April 18, 2016 (Plaintiffs' Complaint Exhibit B)

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EXHIBIT C Order [of] Honorable Stephen J. Rouff Commissioner Two, *State of Arizona v. Paul McKinley Stewart*, Yuma County Superior Court No. S1400CR7608338, Filed Aug. 11, 2016 (Plaintiffs' Complaint Exhibit I)

Dated: March 8, 2019

SEILER EPSTEIN ZIEGLER & APPLGATE LLP

/s/ George M. Lee
George M. Lee

Attorneys for Plaintiffs


SEILER EPSTEIN ZIEGLER & APPLGATE LLP
Attorneys at Law

EXHIBIT A

STATE OF WASHINGTON)
COUNTY OF ISLAND) ss

FILED
DEBRA VAN PELT
ISLAND COUNTY CLERK
2016 MAR 21 PM 3:34

I, Debra Van Pelt, Clerk of Island County and ex-officio clerk of the Superior Court, do hereby certify that this instrument consisting of 3 page(s), is a full, true and correct copy of the original now on file in my office; WITNESS my hand and official seal this 30th day of November, 2016.

DEBRA VAN PELT
By: 
Deputy
Coupeville, Washington

SUPERIOR COURT OF WASHINGTON
ISLAND COUNTY

STATE OF WASHINGTON,
Plaintiff,

vs.

CHAD JAY LINTON,

Defendant.

No. 87-1-00064-9

Order on Motion Re: Vacating Record of
Felony Conviction
Granted (ORVCJG)

Clerk's Action Required, para. 3.6

I. Basis

This matter comes before the court on defendant's motion for order vacating record of felony conviction pursuant to RCW 9.94A.640. The court having heard argument of the parties and considered the case records and files, and the pleadings submitted on the matter.

II. Findings

- 2.1 Adequate notice was given to the appropriate parties and agencies.
- 2.2 On or about December 29, 1987, the defendant was convicted of the following offense(s):
Cause No: 87-1-00064-9 Count: I Offense: Attempting to Elude Pursuing Police Vehicle in violation of RCW 46.61.024.
- 2.3 Defendant was discharged under RCW 9.94A.637 as having completed the requirement of his or her sentence for the offense listed in paragraph 2.2 (RCW 9.94A.640).
- 2.4 Defendant satisfied the following requirements of RCW 9.94A.640(2) or has met the equivalent of these requirements as they would be applied to a person convicted of a crime committed after July 1, 1984:

There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal court (RCW 9.94A.640(2)(a)).

SENT TO


The offense for which the defendant was convicted is not one of the following offenses (RCW 9.94A.640(2)(b), (c), (g)):

A violent offense as defined in RCW 9.94A.030
A crime against persons as defined in RCW 43.43.830
A class C felony described in RCW 46.61.502(6) or 46.61.504(6)

2.5 The defendant has not been convicted of any new crime in this state, another state, or federal court since the date of discharge under RCW 9.94A.637 or expiration of probation, based upon the criminal history check of the following records (RCW 9.94A.640(2)(d)):

Washington State Crime Information Center (WACIC), RCW 43.43.500 et seq;
National Crime Information Center (NCIC), including the Interstate Identification Index (Triple I), 28 USC Section 534;
Judicial Information System (JIS), including Defendant Case History (DCH) from the District and Municipal Court Information System (DISCIS), RCW 2.68 et seq. and JISCR; AND/OR
Other: Washington State Patrol Washington Access To Criminal History (WATCH).

2.6 The offense for which the defendant was convicted was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and it has been at least five years since the date of discharge under RCW 9.94A.637 or expiration of probation (RCW 9.94A.640(2)(f)).

III. Order

The court orders:

3.1 The motion for order vacating conviction records of the following offense is granted.

Cause No: 87-1-00064-9 Count: I Offense: Attempting to Elude Pursuing Police Vehicle in violation of RCW 46.61.024.

The court further orders that:

3.2 The defendant's guilty plea for the offense listed in paragraph 3.1 is withdrawn and a not guilty plea is entered.

And/Or

The guilty verdict for the offense listed in paragraph 3.1 is set aside.


3.3 The information or indictment for the offense listed in paragraph 3.2 is dismissed.

3.4 The defendant shall be released from all penalties and disabilities resulting from the offense listed in paragraph 3.1 and the conviction of that offense shall not be included in the defendant's criminal history for purposes of determining a sentence in any subsequent conviction. However, the conviction may be used in a later criminal prosecution.

3.5 For all purposes, including responding to questions on employment applications, the defendant may state that he or she has never been convicted of the offense listed in paragraph 3.1.

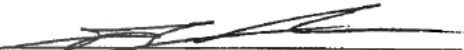
3.6 The clerk of the court shall immediately transmit a certified copy of this order to the Washington State Patrol and to the Island County Sheriff which agencies shall immediately update their records to reflect the vacation of the record of conviction of the offense(s) listed in paragraph 3.1. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation. The Washington State Patrol or local law enforcement agency may not disseminate or disclose a conviction that has been vacated under RCW 9.94A.640 to any person, except to other criminal justice enforcement agencies.

Dated: 3/21/2016


Judge/Print Name: Alan R Hancock

Presented by:

Approved for entry:


Brent Thompson, WSBA# 44778
Attorney for Respondent

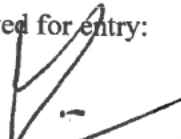

Michael Setstrom, WSBA# 46425
Prosecuting Authority


EXHIBIT B

STATE OF WASHINGTON)
COUNTY OF ISLAND) ss


FILED
DEBRA VAN PELT
ISLAND COUNTY CLERK

2016 APR 18 AM 11:47

I, Debra Van Pelt, Clerk of Island County and ex-officio clerk of the Superior Court, do hereby certify that this instrument consisting of 1 page(s), is a full, true and correct copy of the original now on file in my office. WITNESS my hand and official seal this ~~30th~~ day of November, 20 16.

DEBRA VAN PELT
By: 
Deputy
Coupeville, Washington

SUPERIOR COURT OF WASHINGTON
ISLAND COUNTY

CHAD JAY LINTON,

Petitioner,
vs.
STATE OF WASHINGTON,
Respondent.

No. 16-2-00196-8

RCW 9.41.040(4) ORDER RESTORING
RIGHT TO POSSESS FIREARMS

Clerk's Action Required

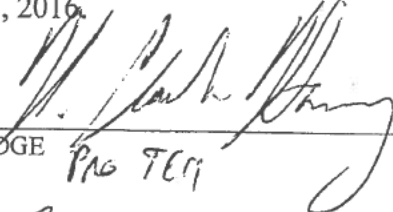
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THIS MATTER having come on for hearing before the above entitled court on a RCW 9.41.040(4) Petition for Order Restoring Right to Possess Firearms and the court having reviewed the Petition and having heard any objections thereto, and being otherwise fully advised:


THE COURT HEREBY FINDS on August 11, 1988 the Island County Superior Court discharged Petitioner and restored his civil rights lost as a result of Island County Superior Court Cause No. 87-1-00064-9; on March 21, 2016 the Island County Superior Court also vacated, set aside, dismissed, and released Petitioner from all penalties and disabilities resulting from Island County Superior Court Cause No. 87-1-00064-9; and the Petitioner is qualified, pursuant to RCW 9.41.040(4), to have the right to possess firearms fully restored; now therefore:

THE COURT HEREBY ORDERS that Petitioner Chad Linton's civil rights and right to possess firearms are FULLY RESTORED pursuant to RCW 9.41.040(4). The clerk of the court shall, forthwith, provide a certified copy of this Order to the Washington State Patrol-Identification Section. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation.

DONE IN OPEN COURT this 18th day of April, 2016.


JUDGE
PAG TERI

Presented by:


Brent Thompson, WSBA #44778
Attorney for Petitioner

Approved for entry:



Michael Sattrom, WSBA #46225
Attorney for State of Washington

EXHIBIT C

FILED
2016 AUG 11 PM 12:24
LYNN FAZZ
CLERK OF SUPERIOR COURT
YUMA ARIZONA 85364

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

STATE OF ARIZONA,

Plaintiff,

vs.

PAUL MCKINLEY STEWART,

Defendant.

Case No. S1400CR7608338

ORDER

HONORABLE STEPHEN J. ROUFF
COMMISSIONER TWO

PAUL MCKINLEY STEWART, defendant above named, was adjudged guilty on August 12, 1976, to-wit: Count One, First Degree Burglary and Count Two, Theft.

On May 13, 2016, the defendant, submitted an Application to Restore Civil Rights, Restore Gun Rights, and Set Aside Judgment of Guilt.

The Court having determined the defendant successfully completed the sentence imposed herein,

IT IS HEREBY ORDERED that the civil rights lost at the time of sentencing are now restored and setting aside judgment of guilt and dismissal of the Information/Indictment, and those rights shall include the right to possess weapons as defined in A.R.S. §§13-604 and 13-3101.

DATED this 11th day of August, 2016

STEPHEN J. ROUFF
HONORABLE STEPHEN J. ROUFF
JUDGE OF SUPERIOR COURT