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6 Attorneys for the City of Malibu  
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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 THE PARK AT CROSS CREEK, LLC  
and MALIBU BAY COMPANY,

12  
13 Plaintiffs,

14 vs.

15 CITY OF MALIBU, A MUNICIPAL  
CORPORATION, and DOES 1-10,  
16

17 Defendants.  
18  
19  
20

CASE NO. 2:15-CV 00033-JAK (SHx)

Complaint served: January 5, 2015

[Assigned to the Hon. John A. Kronstadt]

**CITY'S REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF MOTION  
TO DISMISS COMPLAINT [F.R.E.  
RULE 201]**

**DATE: March 30, 2015  
TIME : 8:30am  
DEPT.: 750**

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25 **TO THE HONORABLE JOHN A. KRONSTADT, UNITED STATES DISTRICT**  
26 **COURT JUDGE, PLAINTIFFS AND THEIR ATTORNEYS OF RECORD**  
27 **HEREIN:**  
28

1           **PLEASE TAKE NOTICE** that pursuant to Federal Rules of Evidence, Rule 201,  
2 Defendant City of Malibu (“City”) respectfully requests that this Court take judicial  
3 notice of the following adjudicative facts and exhibits in connection with its Motion to  
4 Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6)

5           1.     **LEGISLATIVE ENACTMENT:** Excerpts from the City of Malibu’s  
6 General Plan. A certified copy of the City of Malibu General Plan, section 1.4.4 LU  
7 Goal 4, is attached hereto as Exhibit A.

8           2.     **INDISPUTABLE FACT:** These are examples of California formula retail  
9 businesses:

10           A.    **FACT:** SusieCakes LLC has 13 locations which are all in California, as  
11 reflected in attached Exhibit B (which is a screenshot of the store locations listed on the  
12 company’s website [www.susiecakes.com](http://www.susiecakes.com), which total 13 locations on January 28, 2015).

13           B.    **FACT:** Fresh Brothers has 12 locations which are all in California, as  
14 reflected in attached Exhibit C (which is a copy of all store locations listed on the  
15 company’s website [www.freshbrothers.com](http://www.freshbrothers.com), a total of 12 stores on January 28, 2015).

16           C.    **FACT:** Mendocino Farms LLC has 9 locations which are all in  
17 California, as reflected in attached Exhibit D (which is a copy of all store locations listed  
18 on the company’s website [www.mendocinofarms.com](http://www.mendocinofarms.com), a total of 9 stores on February 3,  
19 2015, with a 10<sup>th</sup> scheduled to open in El Segundo, California).

20           D.    **FACT:** Centinela Feed and Pet Supplies has 15 locations which are all in  
21 California, as reflected in attached Exhibit E (which is a copy of all store locations listed  
22 on the company’s website [www.centinelafeed.com](http://www.centinelafeed.com), a total of 15 stores on January 28,  
23 2015).

24           3.     **INDISPUTABLE FACT:** This is an example of a California-based formula  
25 retail business that has locations outside California: Sport Chalet, Inc. its corporate  
26 office is in California and has 50 locations, some of which are outside California, as  
27 reflected in attached Exhibit F (which is a copy of all store locations listed on the  
28

1 company's website www.sportchalet.com, a total of 50 stores on January 28, 2015, with  
2 a corporate office located in California).

3 These items are a proper subject for judicial notice pursuant to Federal Rules of  
4 Evidence, Rule 201(b)(1) and (2) as the City's General Plan and the locations of these  
5 businesses are facts "generally known within the trial court's jurisdiction" and/or "can  
6 be accurately and readily determined from sources whose accuracy cannot reasonably be  
7 questioned."

8 Regarding the City's first request and Exhibit A, courts may take judicial notice  
9 of city charters, ordinances and resolution. *Rabkin v. Dean*, 856 F.Supp. 543, 546(N.D.  
10 Cal. 1994); *Newcomb v. Brennan*, 558 F.2d 825, 829 (7th Cir. 1977), *cert. denied*, 434  
11 U.S. 968 (1977); *MGIC Indemnity Corporation v. Weisman*, 803 F.2d 500, 504 (9th Cir.  
12 1986)(court may take judicial notice of official records and reports). The City's state-  
13 mandated General Plan was adopted by the City Council in accordance with the  
14 procedures required by state law. Cal. Gov't Code §§ 65350-65356. In addition,  
15 Exhibit A is self-authenticating in accordance with Federal Rules of Evidence, Rule  
16 902(4) as a certified copy of a public record.

17 Regarding the City's second and third requests, courts have taken judicial notice  
18 of a company's location as published on its website as this information is presumptively  
19 accurate and not reasonably subject to dispute, especially when the information comes  
20 from a company's own website. *Allphin v. Peter K. Fitness, LLC*, No. 13-CV-01338-  
21 BLF, 2014 WL 6997653, at \*3 (N.D. Cal. Dec. 11, 2014) (in taking judicial notice of  
22 "location" webpages: "it can be presumed that a company, when placing information  
23 about its locations on a website, will do so accurately."); see *O'Toole v. Northrop*  
24 *Grumman Corp.*, 499 F.3d 1218, 1225 (10<sup>th</sup> Cir. 2007).

25 ///

1 This Request for Judicial Notice is made in support of the City's Motion to  
2 Dismiss the Complaint and is based upon the attached declaration of Trevor L. Rusin  
3 and the exhibits thereto.

4  
5 DATED: February 4, 2015

Respectfully submitted,

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8 TREVOR RUSIN  
9 CHRISTI HOGIN  
10 JENKINS & HOGIN LLP  
11 Attorneys for Defendant  
12 City of Malibu  
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**DECLARATION OF TREVOR L. RUSIN**

I, TREVOR L. RUSIN, declare as follows:

1. I am an attorney licensed to practice law in the state of California and before the United States District Court for the Central District of California. I have personal knowledge of all of the facts set forth herein and could and would testify to the accuracy thereof if called upon to do so in a court of law.

2. Attached hereto as Exhibit A is a copy of public records, specifically section 1.4.4 LU Goal 4 of the City's General Plan, on file at City Hall that are certified by the City Clerk to be true and correct copies of those documents, which are kept by the City in the regular course of business.

4. Attached hereto as Exhibit B is a copy of all store locations listed on SusieCakes LLC's website, [www.susiecakes.com](http://www.susiecakes.com), on January 28, 2015. I printed the attached pages by taking screenshots of the website on January 28, 2015, and they truly and accurately reflect the web pages displayed.

5. Attached hereto as Exhibit C is a copy of all store locations listed on Fresh Brothers website, [www.freshbrothers.com](http://www.freshbrothers.com), on January 28, 2015. I printed the attached pages from the website on January 28, 2015, and they truly and accurately reflect the web pages displayed.

6. Attached hereto as Exhibit D is a copy of all store locations listed on Mendocino Farms LLC's website, [www.mendocinofarms.com](http://www.mendocinofarms.com), on February 3, 2015. I printed the attached pages from the website on February 3, 2015, and they truly and accurately reflect the web pages displayed.

7. Attached hereto as Exhibit E is a copy of all store locations listed on Fresh Brothers website, [www.centinelafeed.com](http://www.centinelafeed.com), on January 28, 2015. I printed the attached pages from the website on January 28, 2015, and they truly and accurately reflect the web pages displayed.



# **EXHIBIT A**

LAND USE ELEMENT

**LU Implementation Measure 60:** Minimize destruction of natural areas and, where possible, prohibit transformation of natural areas to commercial ones by limiting development to that which is necessary for public access and safety.

**LU Implementation Measure 61:** Prohibit camping, except in designated areas.

**LU Implementation Measure 62:** Work with public agencies and private recreational clubs and groups to promote use of parks and beaches for passive recreation.

**LU OBJECTIVE 3.2:** VISITOR-SERVING RECREATIONAL OPPORTUNITIES CONSISTENT WITH THE RESIDENTIAL CHARACTER OF MALIBU.

**LU Policy 3.2.1:** The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.

**LU Policy 3.2.2:** The City shall solicit input from residents with respect to all operational aspects of recreational facilities including hours of use, location of any parking in residential areas, accessways, restrooms and trash receptacles.

**LU Policy 3.2.3:** The City shall require adequate parking for recreational facilities to avoid public parking in residential areas.

**LU Policy 3.2.4:** The City shall ensure recreational uses do not materially impair the privacy of nearby property owners.

**LU Policy 3.2.5:** The City shall ensure that recreational uses do not exceed the capacity of the area and infrastructure.

*To implement these policies the City shall:*

**LU Implementation Measure 63:** Work with public agencies to mitigate the impact of recreational uses upon the privacy of neighbors and the natural resources including the use of landscape treatments and screening devices.

**LU Implementation Measure 64:** Require noticed public hearings prior to approval of plans for recreational facilities.

**LU Implementation Measure 65:** Identify access to recreational facilities through a program of uniform signage.

**1.4.4 LU GOAL 4: COMMERCIAL USES AND STRUCTURES IN HARMONY WITH THE RURAL RESIDENTIAL CHARACTER AND NATURAL ENVIRONMENT OF THE COMMUNITY**

**LU OBJECTIVE 4.1:** COMMERCIAL STRUCTURES OF A LIMITED HEIGHT AND BULK EQUIVALENT TO THE ADJACENT RESIDENCES.

This certifies that this document consisting of <u>5</u> <sup>32</sup> pages is a true and correct copy of the original on file with the City of Malibu.	Attest this <u>29<sup>th</sup></u> day of <u>January, 2015</u>
	By <u>[Signature]</u>
	Title <u>City Clerk</u> (seal)

## LAND USE ELEMENT

- LU Policy 4.1.1:** The City shall encourage park-like settings by requiring that structures be oriented toward open plaza areas rather than streets and parking areas and incorporating additional amenities such as benches and play areas for children.
- LU Policy 4.1.2:** The City shall encourage redesign and adaptive reuse of existing structures.
- LU Policy 4.1.3:** The City shall prohibit strip center commercial development.
- LU Policy 4.1.4:** The City shall require signage to be in harmony with the natural environment and the residential character of the community.
- LU Policy 4.1.5:** The City shall prohibit undue concentration of businesses which sell alcohol for off-site consumption.
- LU Policy 4.1.6:** The City shall promote extensive landscaping in new projects while emphasizing low volume irrigation and the use of native, fire-resistant and drought-tolerant plant materials.
- LU Policy 4.1.7:** The City shall require visually aesthetic screening of service areas and well landscaped parking lots.

*To implement these policies the City shall:*

**LU Implementation Measure 66:** Develop comprehensive commercial design guidelines that respect Malibu's rural character including building design of a residential low-rise, small-scale, arcades and/or courtyards or other pedestrian scaled elements, designs that compliment surrounding natural areas and parking that includes native landscaping, on-site water retention and natural drainage courses where feasible.

**LU Implementation Measure 67:** Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhanced and upgrade the environment of the commercial areas.

**LU Implementation Measure 68:** Require that adjacent commercial centers provide reciprocal pedestrian access to reduce vehicle trips and integrate adjacent centers.

**LU Implementation Measure 69:** Require non-automobile circulation within commercial developments.

**LU Implementation Measure 70:** Require applicants to prepare a traffic study for all new commercial developments which will generate 50 or more trips during peak traffic hours, and based on the study, mitigate (a) any impact to intersection, where the change in the volume capacity ratio is greater than or equal to 2% or (b) any impact which worsens an intersection's LOS F rating.

**LU Implementation Measure 71:** Permit minor modifications to development standards to accommodate renovation and adaptive reuse of existing commercial/retail buildings.

**LU Implementation Measure 72:** Regulate size, height, location and placement of on-premise signs and prohibit off-premise advertising signs.

**LU Implementation Measure 73:** Require a conditional use permit for sale of alcohol for off-site consumption and permit no more than 1 off-sale license per 2,500 residents.

LAND USE ELEMENT

**LU Implementation Measure 74:** Require landscape plans designed by State-licensed landscape architects in connection with all new or remodel commercial developments.

**LU OBJECTIVE 4.2:** COMMERCIAL USES CONCENTRATED IN CERTAIN AREAS TO PREVENT SPRAWL THROUGHOUT THE CITY.

**LU Policy 4.2.1:** The City shall designate commercial areas which are accessible to major streets and adequately buffered from single-family residential uses.

*To implement these policies the City shall:*

**LU Implementation Measure 75:** Require commercial development to provide ingress and egress to parking areas in a manner that is not unreasonably intrusive to residential areas.

**LU Implementation Measure 76:** Limit commercial development west of Portshead Road to designated commercial areas.

**LU Implementation Measure 77:** Allow waivers of parking requirements where reciprocal parking agreements can provide adequate parking for multiple uses.

**LU OBJECTIVE 4.3:** A SPECIFIC PLAN IN THE CIVIC CENTER AREA.

**LU Policy 4.3.1:** The City shall, prior to adoption of a specific plan, review any proposed development in the Civic Center Area to ensure safety, health and circulation impacts are mitigated to the extent feasible, including but not limited to high water table, threat of liquefaction, flooding and traffic congestion.

**LU Policy 4.3.2:** The City shall require buildings within the Civic Center Area to reflect (a) the uniqueness of this location as the City's town center, (b) its close proximity to the beach and ocean, and (c) a "community village" character with small-scale, low-rise buildings. Development in the Civic Center will be guided by those policies and implementation measures in the Plan that are generally applicable to commercial development.

**LU Policy 4.3.3:** The City shall integrate the Civic Center Area including adjacent parkland and the Malibu Lagoon.

**LU Policy 4.3.4:** The City shall take the lead to restore and preserve the natural state of the Malibu Lagoon.

**LU Policy 4.3.5:** The City shall develop the Civic Center Area so that it is pedestrian oriented.

**LU Policy 4.3.6:** The City shall encourage the use of scenic walkways and shuttle service, as appropriate, for circulation within the area.

**LU Policy 4.3.7:** The City shall encourage well-screened and landscaped centralized or clustered parking.

**LU Policy 4.3.8:** The City shall encourage architectural design features such as towers, cupolas, roof parapets, kiosks, changes in roof elevations and roof monuments which do not add square footage, floor area or stories to the building.

LAND USE ELEMENT

*To implement these policies the City shall:*

**LU Implementation Measure 78:** Development in the Civic Center will be guided by those policies and implementation measures in the Plan that are generally applicable to commercial development.

**LU Implementation Measure 79:** Require development in the Civic Center area to minimize impacts on Malibu Lagoon through all feasible mitigation measures, including development impacts fees where appropriate.

**LU Implementation Measure 80:** Prepare and implement a specific plan using a process which promotes community input. The specific plan shall link individual development projects to one another architecturally and by design elements such as common signage, landscape features, pedestrian walkways, lighting and paving materials.

**LU Implementation Measure 81:** Cooperate with other agencies and seek grant funding to assist in restoration of lagoon and other environmentally sensitive improvements.

**LU Implementation Measure 82:** Provide a basis for levying fees to ensure that all development shares fairly in the financing of the specific plan and necessary infrastructure improvements.

**LU OBJECTIVE 4.4:** SUCCESSFUL BUSINESSES APPROPRIATE TO MALIBU.

**LU Policy 4.4.1:** The City shall encourage establishment and continued operation of small neighborhood and community serving businesses.

**LU Policy 4.4.2:** The City shall limit commercial uses to neighborhood serving uses in the Las Flores, Point Dume and Trancas commercial areas.

**LU Policy 4.4.3:** The City shall regulate design of new bed and breakfast inns to foster “country-inn type” establishments and regulate the size and design of other hotel development to ensure development compatible with a rural residential community and discourage convention hotel developments by limiting on the same site ancillary uses such as banquet and meeting rooms and limiting restaurants to a capacity necessary to serve guests of the hotel only.

**LU Policy 4.4.4:** The City shall permit commercial uses such as home offices, art studios, family day care facilities, equestrian and other similar uses in residential areas if they do not result in any substantial diminution in the quiet rural residential character of the area.

**LU Policy 4.4.5:** The City shall encourage filming in Malibu in a manner that is not disruptive to the community.

**LU Policy 4.4.6:** The City shall favor non-polluting industrial land uses required to support the service infrastructure.

*To implement these policies the City shall:*

**LU Implementation Measure 83:** Work with the Chamber of Commerce and other community civic organizations to develop and implement an economic development plan.

LAND USE ELEMENT

**LU Implementation Measure 84:** Develop a business licensing program to assure compliance with zoning and safety codes and to raise revenue to promote the business community.

**LU Implementation Measure 85:** Support the Chamber of Commerce’s Shop Malibu campaign and other public information programs designed to support local businesses and contractors.

**LU Implementation Measure 86:** Limit industrial uses to those compatible with the City’s residential character and which serve the needs of the residents.

**LU OBJECTIVE 4.5:** ENVIRONMENTALLY SENSITIVE, EFFICIENT AND EFFECTIVE TREATMENT OF COMMERCIALY GENERATED SEWAGE AND WASTEWATER THAT MEETS ALL HEALTH STANDARDS.

**LU Policy 4.5.1:** The City shall require commercial wastewater to be managed on-site unless an environmentally acceptable alternative exists.

**LU Policy 4.5.2:** The City shall allow cooperative wastewater treatment among commercial neighbors.

*To implement these policies the City shall:*

**LU Implementation Measure 87:** Require all sewage and wastewater created on commercial property to be processed on-site septic system or by a neighborhood sewage treatment facility or in a cooperative system with neighboring properties in a manner that avoids raising the water table.

**1.4.5 LU GOAL 5: PROTECT AGRICULTURE WHICH REQUIRES OR IS ENHANCED BY MALIBU’S UNIQUE CLIMATE**

**LU OBJECTIVE 5.1:** RURAL CHARACTER PRESERVED THROUGH AGRICULTURAL AND HORTICULTURAL LAND USES.

**LU Policy 5.1.1:** The City shall permit compatible agricultural and horticultural uses within the rural residential zones in order to maintain the rural traditions in the area.

**LU Policy 5.1.2:** The City shall prohibit development and proposed uses adjacent to agricultural and horticultural uses that degrade or substantially interfere with existing agricultural and horticultural uses.

**LU Policy 5.1.3:** The City shall encourage agricultural and horticultural uses that require limited land area such as greenhouses and nurseries.

**LU Policy 5.1.4:** The City shall develop an integrated pest management program to limit adverse impacts from herbicides, pesticides, and fertilizers.

*To implement these policies the City shall:*

**LU Implementation Measure 88:** Develop incentive and protection measures, such as regulating adjacent uses to assure that new uses do not interfere with productivity and permitting necessary accessory structures by right in Rural Residential zones, to encourage land use for production of tropical fruits, nuts and flowers where sensitive natural biota communities will not be adversely impacted.

# **EXHIBIT B**

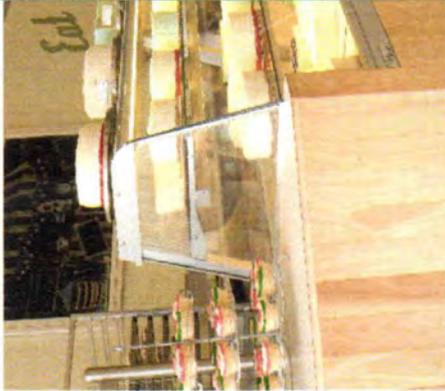


ABOUT • MENU • ORDER • WEDDINGS & EVENTS • CUSTOM ORDERS • LOCATIONS • PRESS

CHOOSE YOUR LOCATION:

NORTHERN CALIFORNIA ~

SOUTHERN CALIFORNIA ~	
Brentwood	
Calabasas	
Newport Beach / Westcliff Dr.	
Manhattan Beach	
Marina Del Rey	
Costa Mesa / SOCO	
Studio City	
Carlsbad - Coming Soon!	
Laguna Niguel - Coming Soon!	



TELL SUSIE  
SusieCakes is an equal-opportunity bakery offering classic desserts such as cakes.

The screenshot shows a web browser window with the URL <https://www.susiecakes.com/locations>. The page features the SusieCakes logo and a navigation menu with links for ABOUT, MENU, GROUP, WEDDINGS & EVENTS, CUSTOM ORDERS, LOCATIONS, and PRESS. A "LOG IN MY CART" link is also visible. The main content area is titled "CHOOSE YOUR LOCATION:" and contains two columns of location options. The left column is for "SOUTHERN CALIFORNIA" and lists Marin, Chestnut/San Francisco, Menlo Park, Lafayette, San Carlos, and Sacramento. The right column is for "NORTHERN CALIFORNIA" and lists the same locations. Below the menu is a photograph of a bakery display case filled with various cakes.

LOG IN MY CART

**SusieCakes**

ABOUT • MENU • GROUP • WEDDINGS & EVENTS • CUSTOM ORDERS • LOCATIONS • PRESS

CHOOSE YOUR LOCATION:

**SOUTHERN CALIFORNIA ~**

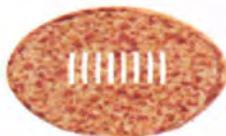
- Marin
- Chestnut/San Francisco
- Menlo Park
- Lafayette
- San Carlos
- Sacramento

**NORTHERN CALIFORNIA ~**

Susie CAKE

B-2

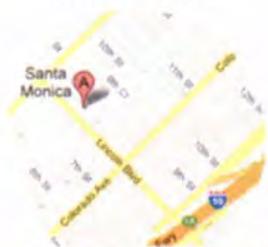
# **EXHIBIT C**



Menu Fresh Fan Club **Store Info** Community Social Media Kids' Parties Contact Us Home

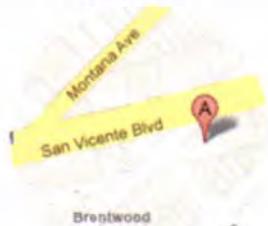
### Store Information and Maps

#### Santa Monica



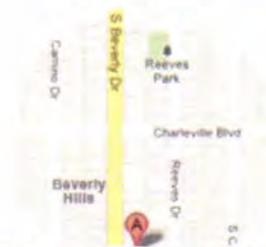
1447 Lincoln, at Broadway  
310.656.6888

#### Brentwood



11740 San Vicente at Gorham  
310.826.0777

#### Beverly Hills



250 S. Beverly Dr, south of Charleville  
310.860.9400

#### Manhattan Beach



2008 N. Sepulveda, next to Rubio's®  
310.546.4444

#### Redondo Beach



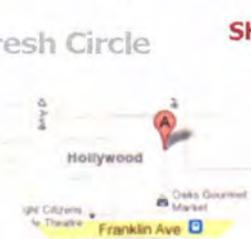
407 N. PCH, next to Whole Foods®  
310.374.5678

#### Calabasas



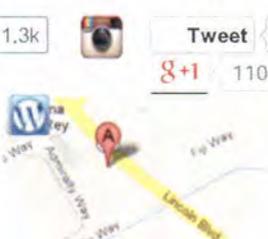
4751 Commons Way, at The Commons  
818.225.7555

#### Hollywood



1923 N Bronson Ave  
323.962.6262

#### Marina Del Rey



4722 Admiralty Way, at Marina Waterside  
310.823.3800

#### Westlake Village



180 Promenade Way, at the Promenade  
805.777.8448

The Fresh Circle

SHARE!

Like

1.3k



Tweet

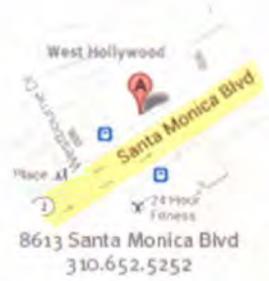
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Fresh Brothers

West Hollywood



8613 Santa Monica Blvd  
310.652.5252

Westwood Virtual Store

"Virtual Store"  
means we deliver to  
Westwood from either  
Beverly Hills or Brentwood,  
depending on the traffic and  
time of day- whichever's  
fastest.

310.859.8598

Encino



16060 Ventura Blvd. at Woodley  
818.528.2100

Newport Beach



Harbor View Center, 1616 San Miguel Drive.  
949.759.1212

**Delivery. Dine-in. Take out.**

Sunday-Thursday, 11am to 9pm. Friday-Saturday, 11am to 10pm.

Hollywood  
323.962.6262

Santa Monica  
310.656.6888

Manhattan Beach  
310.546.4444

Redondo Beach  
310.374.5678

Calabasas  
818.225.7555

Marina Del Rey  
310.823.3800

West Hollywood  
310.652.5252

Brentwood  
310.826.0777

Westwood Virtual Store  
310.859.8598

Beverly Hills  
310.860.9400

Westlake Village  
805.777.8448

Encino  
818.528.2100

Newport Beach  
949.759.1212

# **EXHIBIT D**



[home](#) | [menu](#) | [catering](#) | [our blog](#) | [fresh stuff](#) | [about us](#) | [press](#) | [locations](#)

## Locations

### Westlake Village - Grand Opening February 2nd, 2015!

966 S. Westlake Blvd.  
Thousand Oaks, CA 91361  
805.379.9055  
[google map](#)

**Hours:**  
11:00am-9:00pm Mon-Sun  
**Catering Available All Day**

### Costa Mesa

450 E. 17th St.  
Costa Mesa, CA 92627  
949.548.2500  
[google map](#)

**Hours:**  
11:00am-9:00pm Mon-Sun  
**Catering Available All Day**

### Sherman Oaks - Serves Craft Beer & Local Wine

14141 Ventura Blvd.  
Sherman Oaks, CA 91423  
818.205.9744  
[google map](#)

**Hours:**  
11:00am-9:00pm Mon-Sun  
**Catering Available All Day**

### 3rd & Fairfax - Serves Craft Beer

175 S. Fairfax Ave Suite B  
Los Angeles, CA 90036  
323.934.4261  
[google map](#)

**Hours:**  
11:00am-9:00pm Mon-Sun  
Parking available in the lot shared with Trader Joe's located on 3rd St, west of Fairfax Ave.  
**1 hour free with Validation**  
**Catering Available All Day**

### Downtown Los Angeles

**California Plaza**  
300 South Grand Ave  
Los Angeles, CA 90071  
213.620.1114  
[google map](#)

**Hours:**  
11:00am-3:00pm Mon-Fri  
**Catering Available All Day**

**Citibank Building**  
444 S. Flower St.  
Los Angeles, CA 90071  
213.627.3262  
[google map](#)

**Hours:**  
11:00am-7:15pm Mon-Fri  
**NOW OPEN FOR DINNER! until 7:15 pm!**  
**Catering Available All Day**

**FIGat7TH**

**Serves Craft Beer & Local Wine**

**735 S. Figueroa Ave  
Los Angeles, CA 90071  
213.430.9040  
[google map](#)**

**1 hour validated parking**  
available after 5:00pm  
in Citigroup parking structure  
at 4th St. and Flower St.

**Hours:**

11:00am-9:00pm Mon-Fri

**NOW OPEN WEEKENDS!**

**11am-7pm Saturday & Sunday**

**Catering Available All Day**

**FIGat7TH Parking Rates**

**with validation only**

- 1st Hour: \$1
- 2nd Hour: \$2.50
- 3rd Hour: \$4

All FIGat7th and Taste visitors **MUST** park on levels 1, 2 or 3

All FIGat7th and Taste visitors must have their parking ticket with them for validation

## Marina Del Rey - Serves Craft Beer

---

4724 Admiralty Way  
Marina del Rey, CA 90292  
310.822.2300  
[google map](#)

**Hours:**

11:00am-9:00pm Mon-Sun

**Catering Available All Day**

## West Hollywood

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7100 Santa Monica Blvd., Suite 195  
West Hollywood, CA 90046  
323.512.2700  
[google map](#)

**Hours:**

11:00am-9:00pm Mon-Sun

**Catering Available All Day**

**1 hour free parking**

in the West Hollywood Gateway Parking Structure  
Delivery available for 10 or more in the immediate area

**Contact Us To Join our Team or tell us what you think - good or bad - we'd love to hear from you! Email us at [Molly@mendocinofarms.com](mailto:Molly@mendocinofarms.com), [share this](#)**

**EXHIBIT E**

- ABOUT US
- CAREERS
- STORE LOCATIONS

### PRODUCTS

- Dogs
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- Small Animals/Birds
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### SERVICES

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- Doggie Day Camp
- Doggie Self-Wash
- Grooming
- Dog Training
- Adoptions

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In Store Specials

### CF INSIDER

Benefits & Sign Up  
Insiders Only

### COMMUNITY

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CF INSIDER!**

## CONTACT INFORMATION

### YOU ARE HERE: ABOUT US/CONTACT INFORMATION

Centinela Feed has 15 stores located throughout Southern California. We are continually growing, so be sure to check back for new locations!

To contact our corporate offices, email [contactus@centinelafeed.com](mailto:contactus@centinelafeed.com)

### Store Locations



**Burbank**  
 1505 Olive Ave.  
 Burbank, CA 91506  
 (818) 840-0727  
 Mon-Fri: 9:00 am-9:00 pm  
 Sat: 9:00 am-8:00 pm  
 Sun: 9:00 am-7:00 pm

[Get Directions](#)

**Pasadena**  
 3120 East Colorado Blvd.  
 Pasadena, CA 91107  
 (626) 795-9858  
 Mon-Fri: 9:00 am-9:00 pm  
 Sat: 9:00 am-8:00 pm  
 Sun: 9:00 am-7:00 pm

[Get Directions](#)

**Costa Mesa**

**Rancho Palos Verdes**

2320 Harbor Blvd.  
Costa Mesa, CA 92626  
(714) 540-4036  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm

[Get Directions](#)

**Culver City**

5299 Sepulveda Blvd.  
Culver City, CA 90232  
(310) 572-6107  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm

[Get Directions](#)

**Encino**

16571 Ventura Blvd.  
Encino, CA 91436  
(818) 990-0744  
Mon-Fri: 9:00am-9:00pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm

[Get Directions](#)

**Lakewood**

4243 Woodruff Ave.  
Lakewood, CA 90713  
(562) 608-4007  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm

[Get Directions](#)

**Long Beach**

4700 Pacific Coast Hwy  
Long Beach, CA 90804  
(562) 494-1660  
Mon-Fri: 9:00am-9:00pm  
Sat: 9:00 am-8:00pm  
Sun: 9:00 am-8:00pm  
For Doggie Day Camp, [click here](#)

[Get Directions](#)

**Los Angeles**

3860 Centinela Ave.  
Los Angeles, CA 90066  
(310) 398-2134  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm  
For Grooming, [click here](#)

[Get Directions](#)

**Northridge**

18553 Devonshire St.  
Northridge, CA 91324  
(818) 282-9129  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm

28901 Western Ave.  
Rancho Palos Verdes, CA 90275  
(310) 547-3008  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm  
For Grooming, [click here](#)

[Get Directions](#)

**Redondo Beach**

413 N. Pacific Coast Hwy  
Redondo Beach, CA 90277  
(310) 318-2653  
Mon-Fri: 9:00am-9:00pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm  
For Grooming, [click here](#)

[Get Directions](#)

**Santa Monica**

1448 Lincoln Blvd.  
Santa Monica, CA 90401  
(310) 451-7140  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm

[Get Directions](#)

**Torrance**

22840 Hawthorne Blvd.  
Torrance, CA 90505  
(310) 373-4437  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm

[Get Directions](#)

**West L.A.**

11055 Pico Blvd.  
Los Angeles, CA 90064  
(310) 473-5099  
Mon-Fri: 9:00 am-9:00 pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm  
For Doggie Day Camp, [click here](#)

[Get Directions](#)

**Westchester**

8655 Lincoln Blvd.  
Los Angeles, CA 90045  
(310) 342-0239  
Mon-Fri: 9:00am-9:00pm  
Sat: 9:00 am-8:00 pm  
Sun: 9:00 am-7:00 pm

[Get Directions](#)

# **EXHIBIT F**



Search equipment, apparel, gear, more...

MEN'S WOMEN'S SHOES GEAR SOLO SPORTS TEAM SPORTS SALE

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## STORE LOCATOR | ALL LOCATIONS



Select Country: United States

### ARIZONA

**Crossroads Towne Center**  
2650 E. Germann Rd,  
Chandler, AZ 85249  
(480) 899-9881

**Goodyear Centerpointe**  
15249-15257 W McDowell Rd  
15277 W McDowell Rd  
Goodyear, AZ 85338  
(623) 536-8103

**Happy Valley Towne Center**  
2501 W. Happy Valley Rd.  
Suite 30  
Phoenix, AZ 85027  
(623) 869-6593

**Lake Pleasant Towne Center**  
25406 N. Lake Pleasant Pkwy.,  
Peoria, AZ 85383  
(623) 566-0712

**Queen Creek Marketplace**  
21566 S Ellsworth Loop  
Queen Creek, AZ 85142  
(480) 987-4681

**The Scottsdale Shops**  
8690 E. Raintree Dr,  
Scottsdale, AZ 85260  
(480) 948-3236

### CALIFORNIA

**Bakersfield**  
5200 Stockdale Highway  
Bakersfield, CA 93309  
(661) 335-7780

**Burbank Town Center**  
201 E. Magnolia  
#145  
Burbank, CA 91502-1117  
(818) 558-3500

**Country Club Plaza**  
2401 Butano Dr.,  
Sacramento, CA 95825  
(916) 977-1730

**Countryside Marketplace**  
30054 Haun Road  
Menifee, CA 92584  
(951) 301-7675

**Crossroads Marketplace**  
13041 Peyton Dr.  
Chino Hills, CA 91709  
(909) 627-8996

**Eastridge Shopping Center**  
2190 Eastridge Loop  
Suite 1402  
San Jose, CA 95122  
(408) 531-0771

**Eastvale Gateway**  
12399 Limonite Ave.  
Eastvale, CA 91752  
(951) 685-3150

**Elk Grove Marketplace**  
8511 Bond Rd.  
Elk Grove, CA 95624  
(916) 714-5740

**FIGat7th**  
735 S. Figueroa St.  
Suite 150  
Los Angeles, CA 90017  
(213) 542-5150

**Fallbrook Center**  
6701 Fallbrook Ave.,  
West Hills, CA 91307  
(818) 710-0999

**Foothill Marketplace**  
12449 Foothill Blvd  
Rancho Cucamonga, CA 91739  
(909) 987-4321

**Glendora**  
940 S. Grand Ave.,  
Glendora, CA 91740  
(626) 335-3344

**Grand Plaza**  
177 South Las Posas Dr.  
San Marcos, CA 92078  
(760) 744-1804

**Highland Reserve Marketplace**  
10349 Fairway Drive  
Roseville, CA 95678  
(916) 773-6828

**Huntington Beach**  
16242 Beach Boulevard  
Huntington Beach, CA 92647  
(714) 848-0988

**Imperial Center East**  
2500 E. Imperial  
#150  
Brea, CA 92821  
(714) 255-0132

**La Canada Flintridge Town Center**  
2 Sport Chalet Dr.  
La Canada, CA 91011  
(818) 790-9800

**Long Beach Towne Center**  
7440 Carson St.  
Long Beach, CA 90808  
(562) 429-9560

**Metro 580 Shopping Center**  
4555 Rosewood Dr.  
Pleasanton, CA 94588  
(925) 225-0708

**Mission Viejo**  
27551 Puerta Real  
Mission Viejo, CA 92691  
(949) 582-3363

**Packwood Creek West Shopping Center**  
4145 S. Mooney Blvd.  
Visalia, CA 93277  
(559) 625-3434

**Palmdale Marketplace**  
39180 10th St. W.  
Palmdale, CA 93551  
(661) 266-3232

**Park Place**  
2983 Michelson Dr.  
Irvine, CA 92612  
(949) 476-9555

**Point Loma Plaza**  
3695 Midway Dr.  
San Diego, CA 92110  
(619) 224-6777

**Porter Ranch Town Center**  
19817 Rinaldi St.  
Porter Ranch, CA 91326  
(818) 831-9520

**Riverside**  
3700 Tyler St.  
#12  
Riverside, CA 92503  
(951) 688-8047

**South Coast Plaza**  
3333 Bear St  
#340  
Costa Mesa, CA 92626  
(714) 424-9255

**The Commons of Temecula**  
40432 Winchester Rd.,  
Temecula, CA 92591  
(951) 296-0031

**The Marketplace Laguna Niguel**  
27080 Alicia Parkway  
Laguna Niguel, CA 92656

**University Town Center**  
4525 La Jolla Village  
D19  
San Diego, CA 92122  
(858) 453-5656

**Valencia Marketplace**  
25560 The Old Road  
Valencia, CA 91381  
(661) 253-3883

**Via Marina Marketplace**  
13455 Maxella Ave.,  
Marina Del Rey, CA 90292  
(310) 821-9400

**Village Del Amo**  
21305 Hawthorne Blvd.  
#205  
Torrance, CA 90503  
(310) 316-6634

**West LA**  
11801 West Olympic Blvd.  
Los Angeles, CA 90064  
(310) 235-2847

**Westfield Mission Valley**  
1640 Camino Del Rio N.  
#110  
San Diego, CA 92108  
(619) 718-7070

**Westfield Santa Anita**  
400 S. Baldwin Ave.  
Suite #910-L  
Arcadia, CA 91007  
(626) 446-8955

### NEVADA

**Arroyo Market Square**  
7230 Arroyo Crossing Pkwy.  
Las Vegas, NV 89113  
(702) 263-6756

**Citrus Plaza**  
27550 W. Lugonia Ave.  
Redlands, CA 92374  
(909) 335-3800

**Foothill Ranch Towne Center**  
26532 Towne Centre Dr.  
Suite A  
Lake Forest, CA 92610  
(949) 588-6044

**Nut Tree Village**  
1621 E. Monte Vista Ave.  
Unit C  
Vacaville, CA 95688  
(707) 447-8092

(949) 362-0342

**The Marketplace Oxnard**  
1885 Ventura Blvd.  
Oxnard, CA 93030  
(805) 485-5222

**Crossroads Commons**  
8825 W. Charleston Blvd.  
Las Vegas, NV 89117  
(702) 255-7570

**Conejo Valley Plaza**  
1350 North Moorpark Road  
Thousand Oaks, CA 91360  
(805) 494-4058

**UTAH**

**Jordan Landing**  
7682 Campus View Dr.  
West Jordan, UT 84084  
(801) 282-0619

888-801-9162 FIND A STORE NEAR YOU >

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- [Challenged Athletes](#)
- [Careers](#)
- [Vendor Partnership Guide](#)
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As an Action Pass™ member to earn rewards and stay infor Best of all, it's FREE.

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Sport Chalet is your premier specialty sporting goods retailer featuring top sports brands such as Nike, adidas, DC, Precor, Diamondback, Roxy, Quiksilver, New Balance, Under Armour, Columbia, and The North Face in clothing, shoes, and sports equipment. We offer sporting goods for all sports activities including fitness, tennis, basketball, fishing, soccer, skateboarding, fan gear, fitness, baseball, running, camping, SCUBA, and swimming. We also offer expert advice, adventure travel and sports equipment rentals, including snowboard rentals, ski rentals, camping rentals, watersport rentals and more!

\* Sale and Sale Events exclude Nike brand merchandise



**Earn Unlimited Rewards**  
= 0% intro APR!  
= No Annual Fee\*

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Search equipment, apparel, gear, more...

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# Contact Us

## Customer Service

### Call Us:

**General/Product Questions/Action Pass/ - Order By Phone**  
1-888-801-9162

**Online Order Questions/Support**  
1-888-801-9162

**AVAILABLE:**  
Monday - Sunday:  
24 hours

**AVAILABLE:**  
Monday - Friday:  
8am to 6pm PST

Saturday & Sunday:  
8am - 5pm PST

### Email Us:

Please use the form below.

## Corporate Office

Our corporate office is closed on the following holidays:  
New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas

**Address:**  
One Sport Chalet Drive  
La Canada, CA 91011

## Action Pass™

If you have any questions about your membership, please contact us.

**Call Us:**  
1-888-801-9162  
Monday - Friday  
8am to 6pm PST  
Saturday & Sunday  
8am to 5pm PST

### Write Us:

Sport Chalet  
Attn: Action Pass Member Services  
One Sport Chalet Drive  
La Canada, CA 91011

## Team Sales

To place an order, speak to customer service, or find a sales representative, please call 1-800-250-4923. If you have any other questions, please visit [SportChaletTeamSales.com](http://SportChaletTeamSales.com).

## Contact Us By E-mail

\* Indicates a required field

Please fill out the form below to contact us. We are able to reply to most messages within 2 business days.

First Name:

Last Name:

\* E-mail:

Phone Number:

\* My message is about:

Select a topic:

\* Message:

CALL OR CUSTOMER SERVICE 888-801-9162 FIND A STORE NEAR YOU >

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Water Sport Services  
Camping Services

SNOW REPORT

Outdoor Community  
Fitness Community  
SCUBA Community  
Cycling Community  
Winter Community



**ACTION PASS™ EXCLUSIVE B**  
As an Action Pass™ member  
to earn rewards and stay info  
Best of all, it's FREE.

WE PROUDLY SPONSOR



Sport Chalet is your premier specialty sporting goods retailer featuring top sports brands such as Nike, adidas, DC, Precor, Diamondback, Roxy, Quiksilver, New Balance, Under Armour, Columbia, and The North Face in clothing, shoes, and sports equipment. We offer sporting goods for all sports activities including fitness, tennis, basketball, fishing, soccer, skateboarding, fan gear, fitness, baseball, running, camping, SCUBA, and swimming. We also offer expert advice, adventure travel and sports equipment rentals, including snowboard rentals, ski rentals, camping rentals, watersport rentals and more!

\* Sale and Sale Events exclude Nike brand merchandise



**Earn Unlimited Rewards**  
+ 0% Intro APR\*!  
+ No Annual Fee\*

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1230 Rosecrans Avenue, Suite 110, Manhattan Beach, CA 90266.

On February 4, 2015, I served the foregoing documents described as:

**CITY'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS COMPLAINT**

on the interested party or parties in this action by placing the original thereof enclosed in sealed envelopes with fully prepaid postage thereon and addressed as follows:

*PLEASE SEE SERVICE LIST ATTACHED*

**VIA U.S.MAIL.** I enclosed the above described documents in a sealed envelope or package addressed to the person(s) listed above or on the attached; caused such envelope with postage thereon fully prepared to be placed in the United States mail at Los Angeles, California.

*I am readily familiar with the Jenkins & Hogin, LLP's practice of collection and processing correspondence for outgoing mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon prepaid at Manhattan Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.*

(TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")). The foregoing documents will be served by the court via NEF and hyperlink to the document. On February 4, 2014, I checked the CM/ECF docket for this case and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission.

Service information continued on attached page.

**FEDERAL.** I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service is made.

Executed this 4<sup>th</sup> day of February, 2015, at Manhattan Beach, California.

/s/  
WENDY HOFFMAN

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**SERVICE LIST**

*The Park at Cross Creek, LLC and Malibu Bay Company v. City of Malibu*  
*Case No. 2:15-cv-00033-JAK-(SHx)*

David P. Waite Kenneth B. Bley Frederick H. Kranz Tamar C. Stein Alexander M. Degood COX, CASTLE & NICHOLSON LLP 2049 Century Park East, 28 <sup>th</sup> Floor Los Angeles, CA 90067-3284 Tel: (310) 284-2200 Fax: (310) 284-2100 <a href="mailto:dwaite@coxcastle.com">dwaite@coxcastle.com</a> <a href="mailto:kbley@coxcastle.com">kbley@coxcastle.com</a> <a href="mailto:tstein@coxcastle.com">tstein@coxcastle.com</a> <a href="mailto:adegood@coxcastle.com">adegood@coxcastle.com</a>	<i>Attorneys for Plaintiffs:</i>  The Park at Cross Creek, LLC and Malibu Bay Company
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