

# **In the Supreme Court of the State of California**

**Presbyterian Camp and  
Conference Centers, Inc.,**

Petitioner,

Case No. S259850

v.

**The Superior Court of Santa  
Barbara County,**

Respondent,

**California Department of Forestry  
and Fire Protection,**

Real Party in Interest.

Second Appellate District, Division Six, Case No. B297195  
Santa Barbara Superior Court—Main, Case No. 18CV02968  
The Honorable Thomas P. Anderle, Judge

## **REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE**

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California Department of Forestry and  
Fire Protection*

## REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE

Real Party in Interest California Department of Forestry and Fire Protection (Department) submits this reply in support of its request for judicial notice. This reply is based on the points and authorities that follow, the attached Declaration of Samuel Harbourt, and an attached exhibit.

The Department submitted a request for judicial notice that was filed by the Court on July 23, 2020. Due to an oversight, the Department erroneously stated that Exhibit E attached to the request was “*filed* in the superior court in this case.” (Italics added.) Instead, Exhibit E, a set of interrogatory responses by petitioner, was produced by petitioner in the course of discovery while this case was pending in the superior court, verified under penalty of perjury, and served upon the Department. (See attached exhibit [discovery verification document].)

The fact the interrogatory was not filed with the court, however, is irrelevant to the judicial-notice analysis: as courts have frequently recognized, “answers to interrogatories” are court records subject to judicial notice. (*Arce v. Kaiser Foundation Health Plan, Inc.* (2010) 181 Cal.App.4th 471, 485; see also, e.g., *Sebago, Inc. v. City of Alameda* (1989) 211 Cal.App.3d 1372, 1380-1381; *Spindle v. Chubb/Pac. Indemnity Group* (1979) 89 Cal.App.3d 706, 714, fn. 5.) In any event, petitioner does not dispute the fact of which the Department seeks judicial notice—that petitioner has insurance policies that potentially cover the fire-suppression costs sought in this case. (See PCCC Opposition to Request for Judicial Notice; Answer Brief on the Merits p. 47,

fn. 19.) Accordingly, this fact is “not reasonably subject to dispute” and properly subject to judicial notice on that basis alone. (Evid. Code, § 452, subd. (h).)

For these reasons, the Court should grant the request for judicial notice.

Dated: August 7, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
MICHAEL J. MONGAN  
Solicitor General  
JANILL L. RICHARDS  
Principal Deputy Solicitor General  
ROBERT W. BYRNE  
Senior Assistant Attorney General

*/s/ Samuel Harbourt*

SAMUEL T. HARBOURT  
Deputy Solicitor General  
GARY E. TAVETIAN  
Supervising Deputy Attorney General  
JESSICA BARCLAY-STROBEL  
CAITLAN MCLOON  
Deputy Attorneys General  
KRISTIN A. LISKA  
Associate Deputy Solicitor General  
*Attorneys for Real Party in Interest  
California Department of Forestry and  
Fire Protection*

## DECLARATION OF SAMUEL HARBOURT

I, Samuel T. Harbourt, declare:

1. I am a Deputy Solicitor General, in the Office of the Solicitor General, California Department of Justice. I am one of the attorneys representing the California Department of Forestry and Fire Protection (Department) in this matter. I have personal knowledge of the contents of, and may competently testify concerning, this declaration.

2. The Department submitted a request for judicial notice that was filed by the Court on July 23, 2020. That request and accompanying declaration incorrectly described Exhibit E as a document that was “filed” in superior court. Instead, Exhibit E was an interrogatory response produced by petitioner in this case as part of discovery, verified under penalty of perjury, and served upon the Department.

3. The exhibit attached hereto is the verification document wherein petitioner verified the accuracy of the interrogatory responses contained in Exhibit E.

I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration in San Francisco, California on August 7, 2020.

*/s/ Samuel Harbourt*

SAMUEL T. HARBOURT  
Deputy Solicitor General  
*Attorney for Real Party in  
Interest California Department  
of Forestry and Fire Protection*

# **Exhibit**

1 Re: *California Department of Forestry and Fire Protection v. Presbyterian Camp and*  
2 *Conference Centers, Inc.* - Santa Barbara Superior Court Case No. 18CV02968

3 **VERIFICATION**

4 I, Rev. Richard Harrison, say:

5 That I am an employee of Presbyterian Camp and Conference Centers, Inc., a  
6 defendant in the above-entitled matter, and I am authorized to make this verification for and on  
7 behalf of said defendant;

8 That I have read the foregoing **SUPPLEMENTAL RESPONSE OF**  
9 **PRESBYTERIAN CAMP AND CONFERENCE CENTERS, INC., TO REQUESTS**  
10 **FOR PRODUCTION OF DOCUMENTS AND THINGS PROPOUNDED BY**  
11 **CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION, SET**  
12 **ONE;**

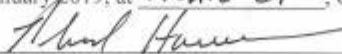
13 That the responses contained in those documents are not all within the personal  
14 knowledge of declarant, and that declarant is informed that there is no single officer of  
15 Presbyterian Camp and Conference Centers, Inc., who has personal knowledge of all such  
16 matters;

17 That the responses in said documents are based upon information assembled by  
18 authorized employees and counsel of defendant Presbyterian Camp and Conference Centers,  
19 Inc., and declarant is informed and believes that the responses based upon such information are  
20 true;

21 As to those matters within my own personal knowledge, the responses are true.

22 I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct to the best of my knowledge and belief.

24 Executed this 17 day of January 2019, at Fresno CA, California.

25   
26 Richard Harrison, Declarant

1 Re: *California Department of Forestry and Fire Protection v. Presbyterian Camp and*  
2 *Conference Centers, Inc.* - Santa Barbara Superior Court Case No. 18CV02968

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4 I, Rev. Richard Harrison, say:

5 That I am an employee of Presbyterian Camp and Conference Centers, Inc., a  
6 defendant in the above-entitled matter, and I am authorized to make this verification for and on  
7 behalf of said defendant;

8 That I have read the foregoing **SUPPLEMENTAL RESPONSE OF**  
9 **PRESBYTERIAN CAMP AND CONFERENCE CENTERS, INC., TO SPECIAL**  
10 **INTERROGATORIES PROPOUNDED BY CALIFORNIA DEPARTMENT OF**  
11 **FORESTRY AND FIRE PROTECTION, SET ONE;**

12 That the responses contained in those documents are not all within the personal  
13 knowledge of declarant, and that declarant is informed that there is no single officer of  
14 Presbyterian Camp and Conference Centers, Inc., who has personal knowledge of all such  
15 matters;

16 That the responses in said documents are based upon information assembled by  
17 authorized employees and counsel of defendant Presbyterian Camp and Conference Centers,  
18 Inc., and declarant is informed and believes that the responses based upon such information are  
19 true;

20 As to those matters within my own personal knowledge, the responses are true.

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct to the best of my knowledge and belief.

23 Executed this 17 day of January 2019, at Fresno Ca, California.

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25 Richard Harrison, Declarant

1 Re: *California Department of Forestry and Fire Protection v. Presbyterian Camp and*  
2 *Conference Centers, Inc.* - Santa Barbara Superior Court Case No. 18CV02968

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5 That I am an employee of Presbyterian Camp and Conference Centers, Inc., a  
6 defendant in the above-entitled matter, and I am authorized to make this verification for and on  
7 behalf of said defendant;

8 That I have read the foregoing **SUPPLEMENTAL RESPONSE OF**  
9 **PRESBYTERIAN CAMP AND CONFERENCE CENTERS, INC., TO FORM**  
10 **INTERROGATORIES PROPOUNDED BY CALIFORNIA DEPARTMENT OF**  
11 **FORESTRY AND FIRE PROTECTION, SET ONE;**

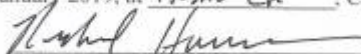
12 That the responses contained in those documents are not all within the personal  
13 knowledge of declarant, and that declarant is informed that there is no single officer of  
14 Presbyterian Camp and Conference Centers, Inc., who has personal knowledge of all such  
15 matters;

16 That the responses in said documents are based upon information assembled by  
17 authorized employees and counsel of defendant Presbyterian Camp and Conference Centers,  
18 Inc., and declarant is informed and believes that the responses based upon such information are  
19 true;

20 As to those matters within my own personal knowledge, the responses are true.

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct to the best of my knowledge and belief.

23 Executed this 17 day of January 2019, at Fresno CA, California.

24   
25 Richard Harrison, Declarant



1 Re: *California Department of Forestry and Fire Protection v. Presbyterian Camp and*  
2 *Conference Centers, Inc.* - Santa Barbara Superior Court Case No. 18CV02968

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4 I, Rev. Richard Harrison, say:

5 That I am an employee of Presbyterian Camp and Conference Centers, Inc., a  
6 defendant in the above-entitled matter, and I am authorized to make this verification for and on  
7 behalf of said defendant;

8 That I have read the foregoing **SUPPLEMENTAL RESPONSE OF**  
9 **PRESBYTERIAN CAMP AND CONFERENCE CENTERS, INC., TO REQUESTS**  
10 **FOR ADMISSIONS PROPOUNDED BY CALIFORNIA DEPARTMENT OF**  
11 **FORESTRY AND FIRE PROTECTION, SET ONE;**

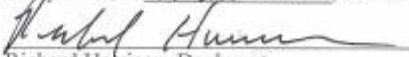
12 That the responses contained in those documents are not all within the personal  
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17 authorized employees and counsel of defendant Presbyterian Camp and Conference Centers,  
18 Inc., and declarant is informed and believes that the responses based upon such information are  
19 true;

20 As to those matters within my own personal knowledge, the responses are true.

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct to the best of my knowledge and belief.

23 Executed this 17 day of January, 2019, at Fresno CA, California.

24   
25 Richard Harrison, Declarant

**DECLARATION OF ELECTRONIC SERVICE**

Case Name: ***Presbyterian Camp & Conference Centers, Inc. v.  
Superior Court of Santa Barbara County  
(California Supreme Court)***

No.: **S259850**

I declare:

I am employed in the Office of the Attorney General, and a member of the California State Bar. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. All participants in this case are registered electronically.

On August 7, 2020, I served the **Reply in Support of Request for Judicial Notice** by the following methods, on the following parties and participants:

**TrueFiling Electronic Service**

William Michael Slaughter: slaughter@srllplaw.com  
Daniel Gonzalez: dgonzalez@horvitzlevy.com  
H. Thomas Watson: htwatson@horvitzlevy.com  
Robin Steiner: rsteiner@horvitzlevy.com  
Kathy Turner: kturner@horvitzlevy.com  
Lee Roistacher: lroistacher@daleyheft.com  
Clerk of the Court, Supreme Court of California

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 7, 2020, at San Francisco, California.

\_\_\_\_\_  
Samuel T. Harbourt  
Declarant

\_\_\_\_\_  
*/s/ Samuel T. Harbourt*  
Signature

**STATE OF CALIFORNIA**  
Supreme Court of California

**PROOF OF SERVICE**

**STATE OF CALIFORNIA**  
Supreme Court of California

Case Name: **PRESBYTERIAN CAMP AND CONFERENCE CENTERS v. S.C.**

**(CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION)**

Case Number: **S259850**

Lower Court Case Number: **B297195**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **samuel.harbourt@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

<b>Filing Type</b>	<b>Document Title</b>
ADDITIONAL DOCUMENTS	PCCC v Superior Court - Reply in Support of RJN
PROOF OF SERVICE	Reply in Support of RJN - Proof of Service

Service Recipients:

<b>Person Served</b>	<b>Email Address</b>	<b>Type</b>	<b>Date / Time</b>
William Slaughter Slaughter & Reagan LLP	slaughter@srlplaw.com	e-Serve	8/7/2020 4:17:47 PM
Lee Roistacher Daley & Heft 179619	lroistacher@daleyheft.com	e-Serve	8/7/2020 4:17:47 PM
Jessica Barclay-Strobel Office of the Attorney General 280361	Jessica.BarclayStrobel@doj.ca.gov	e-Serve	8/7/2020 4:17:47 PM
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Samuel Harbourt Office of the Attorney General 313719	samuel.harbourt@doj.ca.gov	e-Serve	8/7/2020 4:17:47 PM
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Daniel Gonzalez Horvitz & Levy LLP 73623	dgonzalez@horvitzlevy.com	e-Serve	PM 8/7/2020 4:17:47 PM
Theodore Mccombs Attorney General of California, Natural Resources Law Section	theodore.mccombs@doj.ca.gov	e-Serve	8/7/2020 4:17:47 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

8/7/2020

Date

/s/Samuel Harbourt

Signature

Harbourt, Samuel (313719)

Last Name, First Name (PNum)

California Department of Justice

Law Firm