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8
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE CITY AND COUNTY OF SAN FRANCISCO

11 **LAURENCE TAIN, D.C.; DONALD NIELSEN,**
12 **D.C.; ROBERT BITTERS, D.C.; STEPHANIE**
13 **WATTENBERG, D.C.; and LORI PRESCOTT,**
14 **D.C.,**

14 Plaintiff/Petitioners,

15 v.

16 **STATE BOARD OF CHIROPRACTIC**
17 **EXAMINERS; CALIFORNIA ACUPUNCTURE**
18 **BOARD; THE COUNCIL ON CHIROPRACTIC**
19 **EDUCATION, INC.; and DOES 1 to 20,**

19 Defendants/Respondents.

Case No. CGC 03-419378

**THE STATE BOARD OF
CHIROPRACTIC
EXAMINERS' RESPONSE
TO PLAINTIFFS' REQUEST
FOR JUDICIAL NOTICE**

Date: January 28, 2004
Time: 2:00 p.m.
Dept: 502
Judge: Charlene P. Mitchell
Trial Date: Not set

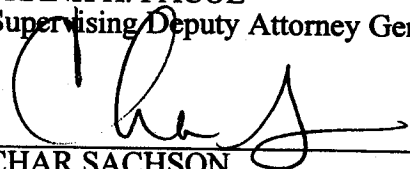
21 THE STATE BOARD OF CHIROPRACTIC EXAMINERS respond to Plaintiffs' Request
22 For Judicial Notice as follows:

23 Exhibit A: The State Board of Chiropractic Examiners objects to Exhibit A. A
24 declaration of counsel is not an appropriate matter upon which to take judicial notice under either
25 Evidence Code section 451 or 452. In addition, it is objectionable as hearsay.

26 Exhibit B: The State Board of Chiropractic Examiners objects to Exhibit B. The cover
27 page is unintelligible, and even if it is a court filing which is permissible under Evidence Code
28 section 452(d), it is irrelevant.

- 1 Exhibit C: The State Board of Chiropractic Examiners objects to Exhibit C as irrelevant.
- 2 Exhibit D: The State Board of Chiropractic Examiners objects to Exhibit D as not
- 3 judicially noticeable under either Evidence Code section 452 (c) or (h), and as irrelevant.
- 4 Exhibit E: The State Board of Chiropractic Examiners objects to Exhibit E as irrelevant.
- 5 Exhibit F: The State Board of Chiropractic Examiners objects to Exhibit F as not
- 6 judicially noticeable under Evidence Code section 452 (c), and as irrelevant.
- 7 Exhibit G: The State Board of Chiropractic Examiners objects to Exhibit G as irrelevant.
- 8 Exhibit H: The State Board of Chiropractic Examiners objects to Exhibit H as irrelevant.
- 9 Exhibit I: The State Board of Chiropractic Examiners objects to Exhibit I as irrelevant.
- 10 Exhibit J: The State Board of Chiropractic Examiners objects to Exhibit J as irrelevant.

11
12 Dated: 1/23/04

13 Respectfully submitted,
 14 BILL LOCKYER
 Attorney General of the State of California
 15 FRANK H. PACOE
 Supervising Deputy Attorney General
 16 
 17 CHAR SACHSON
 18 Deputy Attorney General
 19 Attorneys for Defendants/Respondents

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DECLARATION OF SERVICE
(AG Mailroom)

Case Name: *Tain, et al. v. State Board of Chiropractic Examiners, et al.*

No. CGC 03-419378

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. 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 collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 23, 2004, I served the attached **THE STATE BOARD OF CHIROPRACTIC EXAMINERS' RESPONSE TO PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102, addressed as follows:

David Prescott, Esq.
Veritas Justice and Bioethics Institute
22365 El Toro Road, Suite 109
Lake Forrest, CA 92630
Attorneys for Plaintiffs

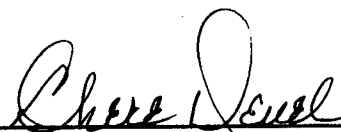
Jose Guerrero, Deputy Attorney General
California Department of Justice
Office of the Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Acupuncture Board

Michael Schroeder, Esq.
1851 East First Street, Suite 1160
Santa Ana, CA 92705
The Council on Chiropractic Education

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 January 23, 2004, at San Francisco, California.

Chere Deuel

Typed Name



Signature