

David Prescott - Bar # 44092
Edwin Grauke - Colorado Bar # 030701
VERITAS JUSTICE and BIOETHICS INSTITUTE
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Lake Forrest, California 92630
(714)649-0661

FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

JAN 15 2004

CLERK
COURT

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

LAURENCE TAIN, D.C.; DONALD NIELSEN, D.C.;
ROBERT BITTERS, D.C.; STEPHANIE
WATTENBERG, D.C.; and LORI PRESCOTT, D.C.

NO: CGC-03-419378

Plaintiffs/Petitioners,

REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
PLAINTIFFS' OPPOSITION
TO MOTIONS FOR SUMMARY
JUDGMENT/ADJUDICATION
OF DEFENDANTS STATE
BOARD OF CHIROPRACTIC
EXAMINERS & CALIFORNIA
ACUPUNCTURE BOARD

v.

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

Date: January 28, 2004
Time: 2:00 p.m.
Dept: 502

Defendants/Respondents.

VOLUME I

REQUESTING PARTIES: Plaintiffs Laurence Tain, et al.

RESPONDING PARTIES: Defendant State Board of Chiropractic Examiners and California
Acupuncture Board

NOTICE IS HEREBY GIVEN of the following Request for Judicial Notice to defendants
State Board of Chiropractic Examiners, the California Acupuncture Board and to their
respective attorneys of record

REQUEST TO THE HONORABLE Charlene P. Mitchell, Judge of the above-entitled court:

Plaintiffs hereby respectfully request that the court take judicial notice of each the
exhibits contained in both VOLUME I and VOLUME II hereof. Said request is based upon

COPY

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1 the provisions of Evidence Code section 451, 452 and 453, in general, and as sometimes more
 2 specifically referred to hereafter. In addition, the request is, in part, supported by the
 3 declaration of David Prescott attached as Exhibit A to VOLUME I of this Request for Judicial
 4 Notice.

VOLUME I

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 7 Exhibit A: Declaration of David Prescott in support of admission of certain exhibits
 listed below and as identified in said declaration.

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 9 Exhibit B: "ENGROSSED STATEMENT ON APPEAL" in the case of
People v. Fowler (1938) 32 Cal.App.2d (Supp.) 121.
 (Evidence Code section 452(d) and 453 & Declaration of David Prescott)

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 11 Exhibit C: "PRE-TRIAL ORDER & JOINT PRE-TRIAL STATEMENT"
 from the trial court record in the case identified in the plaintiffs' responding
 12 papers by its appellate identification as the case of *Crees v Board of*
Medical Examiners (1963) 213 Cal.App.2d 195.
 13 (Evidence Code section 452(d) and 453 & Declaration of David Prescott)

14 Exhibit D: "Medical Board of California – Affiliated Healing Art"; definitions of
 education and training standards for "medical assistants" and their practice
 15 rights relative to the use of hypodermic syringes and needles, etc.
 16 (Evidence Code sections 452(c & h) and 453, Declaration of David
 Prescott and Govt. Code § 6252, etc.)

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 18 Exhibit E: Title 16, California Code of Regulations, Section 1399.436; prescribed
 acupuncture curriculum.
 19 (Evidence Code section 452(c) and 453 & Declaration of David
 Prescott)

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 21 Exhibit F: 1922 Ballot Initiative Measure 16, Chiropractic Act (Slightly enlarged)
 (Evidence Code section 452(c) and 453 & Declaration of David
 22 Prescott)

23 Exhibit G: Register 54, No. 10 – 5-8-54; Title 16, Rule 302 (1954 version)
 (Evidence Code section 452(c) & Declaration of David Prescott)

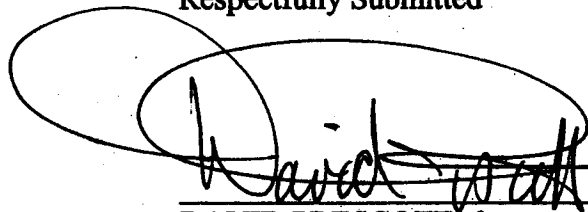
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 25 Exhibit H: 1920 version of 1913 Medical Practice Act (MPA), 1907 MPA (with
 1909 amendment thereto), 1901 Osteopathic Act, and the 1876 MPA.
 26 (Evidence Code section 451(a) & Declaration of David Prescott)

27 Exhibit I: Points and Authorities in Opposition to the General Demurrers of
 SBCE.
 28 (Evidence Code section 452(d) and 453 & Declaration of David Prescott)

Exhibit J: Points and Authorities in Opposition to the General Demurrers of CAB.
(Evidence Code section 452(d) and 453 & Declaration of David Prescott)

Dated: January 12, 2004

Respectfully Submitted



DAVID PRESCOTT, &
EDWIN GRAUKE
Veritas Justice & Bioethics Institute
Attorney for Plaintiffs

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(PROOF OF SERVICE BY MAIL – 1013a, 2015 C.C.P.)

STATE OF CALIFORNIA)
)
 COUNTY OF ORANGE) ss.

I am a citizen of the United States. I am over the age of eighteen years and not a party to the within entitled action. My business address is 22365 El Toro Rd., Suite 109, Lake Forrest, California 92630.

On January 12, 2004 I served the within REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO MOTIONS FOR SUMMARY JUDGMENT/ADJUDICATION OF DEFENDANTS STATE BOARD OF CHIROPRACTIC EXAMINERS & CALIFORNIA ACUPUNCTURE BOARD – VOLUME I with EXHIBITS A to J - on the Chiropractic Board, Acupuncture Board and on The Council on Chiropractic Education by placing a true and correct copy in a sealed envelope, express two-day delivery, addressed as follows:

CHIROPRACTIC BOARD
 Ms. Char Sachson, Esq.
 Deputy Attorney General
 455 Golden Gate Ave., Ste. 11000
 Oakland, Calif. 94102-3664

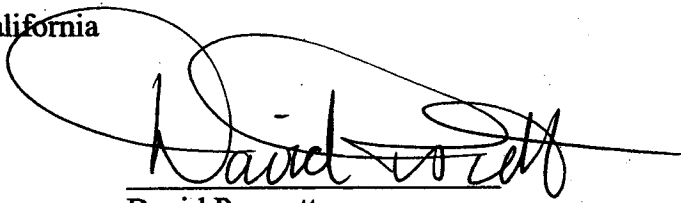
ACUPUNCTURE BOARD
 Mr. Jose Guerrero, Esq.
 Deputy Attorney General
 1515 Clay St., 20th Floor
 Oakland, Calif. 94612-0550

THE COUNCIL ON CHIROPRACTIC EDUCATION
 Mr. Michael Schroeder, Esq.
 1851 East First Street, Suite 1160
 Santa Ana, Calif. 92705

I deposited the envelope in the U.S. Postal Service the same day with first-class postage thereon fully prepaid at Lake Forrest, California.

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

Executed on January 12, 2004, at Lake Forrest, California


 David Prescott