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15 *Attorneys for Plaintiff*

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **COUNTY OF SAN FRANCISCO**

18 CYNTHIA CERLETTI,

19 Plaintiff,

20 v.

21 VICKI HENNESSY, in her Official Capacity  
22 as Sheriff of the City and County of San  
23 Francisco.

24 Defendant.

Case No.: CGC-16-556164

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S  
DEMURRER AND MOTION TO  
STRIKE**

Reservation No.: 02160410-16

Hearing Date: May 15, 2017  
Judge: Hon. Harold A. Kahn  
Time: 9:30 a.m.  
Place: Dept. 302

Complaint Filed: December 27, 2016  
Trial Date: None Set

Attached Documents: Ex. AA-BB

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco  
**05/04/2017**  
Clerk of the Court  
BY: VANESSA WU  
Deputy Clerk

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**REQUEST FOR JUDICIAL NOTICE**

In support of Plaintiff Cynthia Cerletti’s opposition to the demurrer and motion to strike filed by Defendant Vicki Hennessy, Sheriff of the City and County of San Francisco, Plaintiff Cynthia Cerletti requests that this Court take judicial notice of the following documents, true and correct copies of which are attached hereto. This request is made pursuant to Sections 452 and 453 of the California Evidence Code. See also Ingram v. Flippo, 74 Cal. App. 4<sup>th</sup> 1280, 1285 n.3 (Cal. Ct. App. 1999) (court may take judicial notice of document referenced, quoted, and discussed “in some detail” in complaint).

AA. DHS Form I-247N (5/15), Department of Homeland Security (DHS) Request for Voluntary Notification of Release of Suspected Priority Alien, a true and correct copy of which is attached hereto as Exhibit A.

BB. Comparison of Proposed Policies Regarding Response to ICE Voluntary Notification Requests, dated May 20, 2016.

Dated: May 2, 2017

/s/ Robert Patrick Sticht  
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**EXHIBIT AA**

**EXHIBIT AA**

DEPARTMENT OF HOMELAND SECURITY (DHS)

**REQUEST FOR VOLUNTARY NOTIFICATION OF RELEASE OF SUSPECTED PRIORITY ALIEN**

Subject ID:  
Event #:

File No:  
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)

FROM: (DHS Office Address)

Name of Subject: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Suspected Citizenship: \_\_\_\_\_ Sex: \_\_\_\_\_

**1. DHS SUSPECTS THAT THE SUBJECT IS A REMOVABLE ALIEN AND THAT THE SUBJECT IS AN IMMIGRATION ENFORCEMENT PRIORITY BECAUSE HE/SHE** (mark at least one option below, or skip to section 2):

has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to national security;

has been convicted of an offense of which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or is at least 16 years old and intentionally participated in an organized criminal gang to further its illegal activities;

has been convicted of an offense classified as a felony, other than a state or local offense for which an essential element was the alien's immigration status;

has been convicted of an aggravated felony, as defined under 8 U.S.C. § 1101(a)(43) at the time of conviction;

has been convicted of a "significant misdemeanor," as defined under DHS policy; and/or

has been convicted of 3 or more misdemeanors, not including minor traffic offenses and state or local offenses for which immigration status was an essential element, provided the offenses arise out of 3 separate incidents.

**2. DHS TRANSFERRED THE SUBJECT TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION.**

Upon completion of the proceeding or investigation for which the subject was transferred to your custody, DHS intends to resume custody of the subject to complete processing.

**IT IS THEREFORE REQUESTED THAT YOU:**

- Provide **notice as early as practicable** (at least 48 hours, if possible) before the subject is released from your custody to allow DHS an opportunity to determine whether there is probable cause to conclude that he or she is a removable alien. **This voluntary notification request does not request or authorize that you detain the subject beyond the time he or she is currently scheduled for release from your custody. This request arises from DHS authorities and should not impact decisions about the subject's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.**
  - As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling  U.S. Immigration and Customs Enforcement (ICE) or  U.S. Customs and Border Protection (CBP) at \_\_\_\_\_ . If you cannot reach a DHS official at the number(s) provided, please contact the ICE Law Enforcement Support Center at: (802) 872-6020.
  - Notify this office in the event of the subject's death, hospitalization or transfer to another institution.
- If checked: Please disregard the notification request related to this subject previously submitted to you on \_\_\_\_\_ (date).

\_\_\_\_\_  
(Name and title of Immigration Officer)

\_\_\_\_\_  
(Signature of Immigration Officer)

**Notice:** If the subject is taken into DHS custody, he or she may be removed from the United States. If the subject may be the victim of a crime, or if you want the subject to remain in the United States for a law enforcement purpose, please notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:**

Please provide the information below, sign, and return to DHS by mailing, emailing, or faxing a copy to \_\_\_\_\_.

Local Booking/Inmate #: \_\_\_\_\_ Est. release date/time: \_\_\_\_\_ Date of latest criminal charge/conviction: \_\_\_\_\_

Latest offense charged/convicted: \_\_\_\_\_

\_\_\_\_\_  
(Name and title of Officer)

\_\_\_\_\_  
(Signature of Officer)

**EXHIBIT BB**

**EXHIBIT BB**

