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Attorneys for Respondent, **JOHN CHARLES EASTMAN**

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of:

JOHN CHARLES EASTMAN,

State Bar No. 193726,

An Attorney of the State Bar.

CASE NO.: SBC-23-O-30029

**RESPONDENT’S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF MOTION FOR
ABATEMENT OF STATE BAR
DISCIPLINARY PROCEEDING**

[Filed Concurrently with Motion for Abatement;
Declaration of Zachary Mayer]

**TO THE COURT, THE OFFICE OF CHIEF TRIAL COUNSEL OF THE STATE BAR OF
CALIFORNIA (“OCTC”) AND TO ITS DEPUTY TRIAL COUNSEL OF RECORD:**

Respondent JOHN CHARLES EASTMAN (“Respondent” or “Dr. Eastman”) hereby requests, pursuant to State Bar Rule of Procedure 5.104(H) and Evidence Code sections 452(d) and 453, that the Court take judicial notice of the following document attached to the Declaration of Zachary Mayer:

Exhibit 1: The federal grand jury indictment against former president Donald J. Trump dated August 1, 2023 (the “Trump Indictment”).

FILED
E.A.

AUG 04 2023

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

MEMORANDUM OF POINTS AND AUTHORITIES

A. The Court May Take Judicial Notice of the Trump Indictment

Evidence Code section 452(d) provides that a court may take judicial notice of the records of “any court of record of the United States or of any state of the United States.” (Evid. Code, § 452(d)(2); *Flores v. Arroyo* (1961) 56 Cal.2d 492, 496.) Evidence Code section 453 provides that a request for judicial notice must be granted if it “[g]ives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request” and “[f]urnishes the court with sufficient information to enable it to take judicial notice of the matter.” (Evid. Code, § 453(a) and (b).)

In State Bar proceedings, the Court must take judicial notice of federal and out-of-state court records so long as the records are accompanied by a declaration stating that the records were obtained either from (1) the tribunal or court’s official file, or (2) a public access website operated by a court or government agency for the purpose of posting official public records or court records, and (3) stating when the records were obtained. (Rule 5.104(H).) Rule 5.104 further clarifies that it “is not intended to limit the judicial notice provisions contained in Evidence Code, section 450 et seq.” (Rule 5.104(H)(4).)

Here, the copy of the Trump Indictment attached as Exhibit 1 to the Declaration of Zachary Mayer [“Mayer Decl.”] was obtained from a public access website operated by a court or government agency for the purpose of posting official public records or court records – specifically, the Department of Justice Website. (See Mayer Decl., ¶ 2.)

B. The Matters for Which Judicial Notice is Requested Are Relevant

Only relevant material may be judicially noticed. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1135, fn. 1; *Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063, overruled on other grounds by *In Re Tobacco Cases II* (2007) 41 Cal.4th 1257 [“judicial notice, since it is a substitute for proof, is always confined to those matters which are relevant to the issues at hand.”].)

The Trump Indictment accuses defendant Trump and six unnamed co-conspirators (one of whom has been widely reported in the media to be Respondent based on details contained in the

1 indictment) of participating in several efforts to block the transfer of power to Joe Biden following
2 the results of the 2020 presidential election. As such, Respondent contends that the Trump
3 Indictment supports his claim that the State Bar disciplinary proceeding should be abated pending
4 resolution of a parallel federal criminal investigation and any trial or other proceedings that may
5 result from that investigation. Thus, the Trump Indictment is relevant to the issues raised by
6 Respondent's motion for abatement.

7 Dated: August 4, 2023

MILLER LAW ASSOCIATES, APC

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9 By: 

10 Randall A. Miller, Esq.

11 Zachary Mayer, Esq.

12 Attorneys for Respondent JOHN C. EASTMAN
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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is MILLER LAW ASSOCIATES, APC, 411 South Hewitt Street, Los Angeles, CA 90013. On August 4, 2023, I e-served the document(s) described as **RESPONDENT'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR ABATEMENT OF STATE BAR DISCIPLINARY PROCEEDING** on the interested parties by serving them in the manner and/or manners listed below:

Sr. Trial Counsels:
Duncan Carling, Esq.
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- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☒ by causing such document to be transmitted by electronic mail to the office of the addressees as set forth below on this date.
- ☐ by causing such document(s) to be sent overnight via Federal Express; I enclosed such document(s) in an envelope/package provided by Federal Express addressed to the person(s) at the address (es) set forth below and I placed the envelope/package for collection at a drop box provided by Federal Express.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid 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.

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

Executed on August 4, 2023, at Los Angeles, California.


OLGA GORBUNKOVA