

No. 10-16645

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

United States of America,

Plaintiff-Appellee,

v.

State of Arizona; and Janice K. Brewer,
Governor of the State of Arizona, in her
Official Capacity,

Defendants-Appellants.

Appeal from the United States
District Court for the District of
Arizona

No. CV 10-1413-PHX-SRB

APPELLANTS' REQUEST FOR JUDICIAL NOTICE

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Pursuant to Fed. R. Evid. 201, Defendants-Appellants the State of Arizona and its Governor, Janice K. Brewer, request that the Court take judicial notice of two transcripts of hearings in related cases: (1) *Salgado v. Brewer, et al.*, Case No. CV10-00951-PHX-SRB, Reporter's Transcript of Proceedings, Motion Hearing, July 15, 2010; and (2) *Friendly House v. Whiting, et al.*, Case No. CV10-1061-PHX-SRB, Reporter's Transcript of Proceedings, Motion Hearing, July 22, 2010. Copies of these transcripts are attached as Exhibit A and Exhibit B.

The *Salgado* and *Friendly House* cases, like this action, are among the seven cases filed in the U.S. District Court for the District of Arizona that challenged the validity of Senate Bill 1070, as amended. All seven cases were transferred to the same judge, who scheduled three separate hearings on motions for preliminary injunction and motions to dismiss. The hearing in the *Salgado* case took place on July 15, 2010, and the hearings for the *Friendly House* case and this action took place on July 22, 2010. The preliminary injunction hearing in this action was the final hearing, and the Court and counsel expressly referred to the prior hearings during oral argument. Accordingly, a review of these two prior transcripts would likely be helpful to place the preliminary injunction hearing in this action in context.

It is well-settled that the Court may properly take judicial notice of transcripts of hearings in other cases. *See, e.g., Engine Mfrs. Ass'n v. S. Coast Air*

Quality Maint. Dist., 498 F.3d 1031, 1039 n.2 (9th Cir. 2007) (taking judicial notice of Supreme Court oral argument transcript); *Holder v. Holder*, 305 F.3d 854, 866 (9th Cir. 2002) (taking judicial notice of decision and briefs from case before California Court of Appeal).

For these reasons, Defendants-Appellants respectfully request that the Court take judicial notice of the two transcripts of hearings in related cases attached as Exhibit A and Exhibit B.

Dated: August 26, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2010 I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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