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6 Attorneys for Defendant
 MICHAEL PLANET, IN HIS OFFICIAL
 7 CAPACITY AS COURT EXECUTIVE
 OFFICER/CLERK OF THE VENTURA
 8 COUNTY SUPERIOR COURT

9
 10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

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 13 COURTHOUSE NEWS SERVICE,

14 Plaintiff,

15 v.

16 MICHAEL PLANET, IN HIS
 OFFICIAL CAPACITY AS COURT
 17 EXECUTIVE OFFICER/CLERK OF
 THE VENTURA COUNTY
 18 SUPERIOR COURT,

19 Defendant.

Case No. CV11-08083 R (MANx)

Assigned for all purposes to
 Hon. Manuel L. Real

**DEFENDANT'S REQUEST FOR
 JUDICIAL NOTICE IN
 SUPPORT OF MOTION TO
 DISMISS AND ABSTAIN**

Date: November 21, 2011
 Time: 10:00 a.m.
 Courtroom: 8

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1 Pursuant to Federal Rule of Evidence 201, and in support of his concurrently
2 filed Motion to Dismiss and Abstain, defendant Michael D. Planet, in his official
3 capacity as Executive Officer and Clerk of the Superior Court of California, County
4 of Ventura, respectfully requests that the Court take judicial notice of the following
5 documents:

- 6 1. California Senate Bill 326, from the 2011-2002
7 Regular Session (as amended September 1, 2011),
8 available at http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0301-0350/sb_326_bill_20110901_9
9 [_amended_asm_v95.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0301-0350/sb_326_bill_20110901_9). A true and correct copy
10 of this document is attached hereto as Exhibit A.
- 11 2. The California Senate Judiciary Committee's May
12 3, 2011 Bill Analysis of Senate Bill 326 (as
13 amended April 25, 2011), available at
14 http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0301-0350/sb_326_cfa_20110502_142806_sen_
15 [comm.html](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0301-0350/sb_326_cfa_20110502_142806_sen_). A true and correct copy of this
16 document is attached hereto as Exhibit B.
- 17 3. Letter from the Judicial Council of California,
18 Administrative Office of the Courts, to the Senate
19 Judiciary Committee, dated April 27, 2011. A true
20 and correct copy of this document is attached
21 hereto as Exhibit C.
- 22 4. Letter from the Judicial Council of California,
23 Administrative Office of the Courts, to the
24 Assembly Judiciary Committee, dated June 9,
25 2011. A true and correct copy of this document is
26 attached hereto as Exhibit D.
- 27 5. The Bill History of California Senate Bill 326, from
28 the 2011-2002 Regular Session, available at
http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0301-0350/sb_326_bill_20110901_history.html. A true and correct copy of
this document is attached hereto as Exhibit E.
6. Letter from the Judicial Council of California,

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Administrative Office of the Courts, to the Senate
Judiciary Committee, dated August 8, 2011. A true
and correct copy of this document is attached
hereto as Exhibit F.

“A court shall take judicial notice if requested by a party and supplied with
the necessary information.” Fed. R. Evid. 201(d). “A judicially noticed fact must
be one not subject to reasonable dispute in that it is either (1) generally known
within the territorial jurisdiction of the trial court or (2) capable of accurate and
ready determination by resort to sources whose accuracy cannot be reasonably
questioned.” Fed. R. Evid. 201(b).

The Court “may take judicial notice of court filings and other matters of
public record.” *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6
(9th Cir. 2006). Exhibits A, B, and E are matters of public record. Further, they are
not reasonably subject to dispute. Thus, they are the proper subject of judicial
notice pursuant to Rule 201 of the Federal Rules of Evidence.

The Court may also take judicial notice of the contents of administrative
bodies’ records, as well as those documents that establish the dates upon which the
administrative bodies take action, where the record’s contents or the action’s dates
are not subject to reasonable dispute. See *City of Las Vegas, Nev. v. F.A.A.*, 570
F.3d 1109, fn. 1 (9th Cir. 2009) (taking judicial notice of document that established
date administrative office approved waiver); *Jimenez v. Domino’s Pizza, Inc.*, 238
F.R.D. 241, 246 (C.D. Cal. 2006) (taking judicial notice of contents of opinion
letter issued by Division of Labor Standards Enforcement). Exhibits C, D, and F
are records from the Judicial Council of California, Administrative Office of the
Courts. Further, their existence is not reasonably subject to dispute. Thus, they are
the proper subject of judicial notice.

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For the foregoing reasons, Defendant requests that, in considering and ruling upon his concurrently filed Motion to Dismiss and Abstain, the Court take judicial notice of Exhibits A through F, attached hereto.

Dated: October 20, 2011 JONES DAY

By: /s/ Robert Naeve
Robert A. Naeve

Attorneys for Defendant
MICHAEL PLANET, IN HIS
OFFICIAL CAPACITY AS COURT
EXECUTIVE OFFICER/CLERK OF
THE VENTURA COUNTY
SUPERIOR COURT

LAI-3151596