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15 COURTHOUSE NEWS SERVICE

16
17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
19 **WESTERN DIVISION**

19 Courthouse News Service,
20
21 Plaintiff,

21 vs.

22 Michael Planet, in his official capacity as
23 Court Executive Officer/Clerk of the
24 Ventura County Superior Court,
25 Defendant.

Case No. CV11-08083 R (MANx)

**SUPPLEMENTAL REQUEST FOR
JUDICIAL NOTICE OF
PLAINTIFF COURTHOUSE NEWS
SERVICE IN SUPPORT OF
OPPOSITION TO MOTION TO
DISMISS OF DEFENDANT
MICHAEL PLANET**

Date: August 18, 2014
Time: 10 a.m.
Judge: Hon. Manuel L. Real

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1 In accordance with Federal Rule of Evidence 201, Plaintiff Courthouse News
2 Service hereby requests that the Court take judicial notice of the following facts,
3 documents and authorities in support of its Opposition to the Motion to Dismiss of
4 Defendant Michael Planet:

5 1. Title 2, Division 3, Chapter 2 of the California Rules of Court (Rules
6 2.250-2.261), pertaining to e-filing. These rules include Rule 2.250(b)(7), cited for
7 the first time by Defendant in his Reply Memorandum in Support of Defendant's
8 Motion to Dismiss Amended Complaint (ECF # 70), and Rules 2.253(b)(7),
9 2.254(c), and 2.259(c), cited by Defendant in paragraph 4 of his Updated Proposed
10 Order (ECF # 73), in support of his argument that "new complaints are 'filed' only
11 *after* they have been processed, reviewed and entered into the court's records."
12 Reply, p. 6. A true and correct copy of these Rules of Court are attached as Exhibit

13 1.
14 2. Judicial Council of California, Administrative Office of the Courts,
15 Report to the Judicial Council for business meeting on June 28, 2013, regarding
16 Electronic Filing and Service (report date June 21, 2013), available on the web site
17 of the Judicial Council of California, Administrative Office of Courts, at
18 <http://www.courts.ca.gov/documents/jc-20130628-itemC.pdf> (the "Report"). A
19 true and correct copy of the Report, which provides the history leading to the
20 Judicial Council's adoption of Rule 2.250(b)(7), 2.253(b)(7), 2.254(c), 2.259(c), and
21 related e-filing Rules of Court in Title 2, Division 3, Chapter 2 of the California
22 Rules of Court, is attached as Exhibit 2. Judicial notice is requested for the entire
23 document as well as the following specific portions contained therein:

24 a. Comments of the California Newspaper Publishers
25 Association, the First Amendment Coalition, Californians Aware, Courthouse News
26 Service, Bay Area News Group, The Press Democrat Media Company, and Los
27 Angeles Times Communications LLC (collectively referred to in the Report as the
28 "Press Group") addressing the rules cited by Defendant (Exhibit 2, pages 370-482).

1 b. The Judicial Council’s response to the Press Group
2 comments, found at pages 64-66 of Exhibit 2.

3 Federal Rule of Evidence 201(b) allows this Court to take judicial notice of
4 any fact “not subject to reasonable dispute because it” is either (1) “generally known
5 within the trial court’s territorial jurisdiction” or (2) “can be accurately and readily
6 determined from sources whose accuracy cannot reasonably be questioned.”

7 The Court may take judicial notice of the Rules of Court attached as Exhibit 1
8 because “[c]ourts routinely take judicial notice of state or federal statutes and
9 regulations.” *Martinez v. Welk Group, Inc.*, 2011 U.S. Dist. LEXIS 2564, *7-8
10 (S.D. Cal. Jan. 11, 2011); *Wilson v. Tilton*, 2011 U.S. Dist. LEXIS 139729, *5 n.3
11 (C.D. Cal. Oct. 24, 2011).

12 In addition, “Judicial notice may be taken of documents available on
13 government websites,” *Jarvis v. JP Morgan Chase Bank, N.A.*, 2010 U.S. Dist.
14 LEXIS 84958, *3 (C.D. Cal. July 23, 2010), and the Court may thus take judicial
15 notice of the report attached as Exhibit 2 and available on the web site of the
16 Judicial Council of California, Administrative Office of the Courts at
17 <http://www.courts.ca.gov/documents/jc-20130628-itemC.pdf>. This is because such
18 documents, and the information contained therein, are “capable of accurate and
19 ready determination by resort to sources whose accuracy cannot reasonably be
20 questioned.” *Marley v. JP Morgan Chase Bank*, 2013 U.S. Dist. LEXIS 122171, *5
21 (C.D. Cal. Aug. 27, 2013) (quoting Fed. R. Evid. 201(b)) (internal quotations
22 omitted). “Courts regularly take judicial notice of government agency websites and
23 the information contained on them, treating official policies and records posted on
24 the websites as public records.” *Daghlian v. Devry Univ., Inc.*, 2007 U.S. Dist.
25 LEXIS 97797, *9-11 n.9 (C.D. Cal. Dec. 10, 2007); *see also Global Acquisitions*
26 *Network v. Bank of Am. Corp.*, 2013 U.S. Dist. LEXIS 22351, *10 (C.D. Cal. Feb.
27 19, 2013) (“This information, from two different government websites, ‘can be
28 accurately and readily determined from sources whose accuracy cannot reasonably

1 be questioned’ and therefore ‘is not subject to reasonable dispute.’”); *Sturm v.*
2 *Davlyn Investments, Inc.*, 2013 U.S. Dist. LEXIS 188027, *5 n.5 (C.D. Cal. Sept.
3 30, 2013) (taking judicial notice of fact taken from public record on government
4 website).

5 Judicial notice of the report attached as Exhibit 2 is also appropriate because
6 the Court may take judicial notice of the contents of administrative bodies’ records.
7 *Jimenez v. Domino’s Pizza, Inc.*, 238 F.R.D. 241, 246 (C.D. Cal. 2006) (“The
8 content of records and reports of administrative bodies are proper subjects for
9 judicial notice”).

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Dated: August 8, 2014

BRYAN CAVE LLP

By: /s/ Rachel E. Matteo-Boehm
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Attorneys for Plaintiff
COURTHOUSE NEWS SERVICE