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14 KAMEHAMEHA SCHOOLS/BERNICE PAUAAHI  
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15 THOMPSON, DIANE J. PLOTTS, ROBERT K.U. KIHUNE,  
and CORBETT A.K. KALAMA, in their capacities  
16 as Trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate

17 UNITED STATES DISTRICT COURT  
18 EASTERN DISTRICT OF CALIFORNIA  
19

20 ERIC GRANT,  
21  
Plaintiff,  
22  
v.  
23 KAMEHAMEHA SCHOOLS/BERNICE PAUAAHI  
24 BISHOP ESTATE; et al.,  
25 Defendants.

26 And Related Cross and Counterclaims.  
27

CASE NO. 2:08-cv-00672-FCD-KJM

REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF KAMEHAMEHA SCHOOLS  
DEFENDANTS AND CROSS-CLAIM  
DEFENDANTS' MOTION TO TRANSFER  
TO DISTRICT OF HAWAII PURSUANT  
TO 28 U.S.C. § 404; EXHIBITS A-C

Date: October 31, 2008  
Time: 10:00 a.m.  
Courtroom: 2  
Before: Hon. Frank C. Damrell, Jr.

1 Pursuant to Federal Rule of Evidence 201, Defendants and Cross-Claim Defendants  
2 Kamehameha Schools/Bernice Pauahi Bishop Estate and J. Douglas Ing, Nainoa Thompson, Diane J.  
3 Plotts, Robert K.U. Kihune, and Corbett A.K. Kalama, in their capacities as Trustees of the  
4 Kamehameha Schools/Bernice Pauahi Bishop Estate (collectively “KS”), respectfully request that the  
5 Court take judicial notice of the existence of the following court filings in support of its Motion to  
6 Transfer to District of Hawai`i Pursuant to 28 U.S.C. § 404 (“Motion to Transfer”):

- 7 • Plaintiffs Nainoa Thompson, et al.’s Complaint; Summons in the Third Circuit Court for  
8 the State of Hawai`i lawsuit entitled *Thompson, et al. v. John Doe, et al.*, Civil  
9 No. 08-1-0253, filed August 6, 2008. A true and correct copy of the document is  
10 attached as Exhibit A.
- 11 • Declaration of James J. Banks in Support of Motion to Compel Further Response to  
12 Request for Production of Documents and for Evidentiary and Monetary Sanctions in the  
13 lawsuit entitled *Grant v. Goemans, et al.*, Case No. 07AS04172, filed April 22, 2008. A  
14 true and correct copy of excerpts of the document is attached as Exhibit B.
- 15 • Memorandum in Support of Motion to Compel Further Response to Request for  
16 Production of Documents and for Evidentiary and Monetary Sanctions in the lawsuit  
17 entitled *Grant v. Goemans, et al.*, Case No. 07AS04172, filed April 22, 2008. A true and  
18 correct copy of excerpts of the document is attached as Exhibit C

19 Louise K. Y. Ing’s declaration filed in support of KS’ Motion to Transfer describes the source of these  
20 documents.

## 21 DISCUSSION

22 The Court may take judicial notice of court filings in earlier related proceedings in other  
23 tribunals which have a “direct relation to the matters at issue.” *United States v. S. Cal. Edison Co.*, 300  
24 F. Supp. 2d 964, 974 (E.D. Cal. 2004) (judicial notice can be taken of the existence of matters of public  
25 record, of filings or representations having been made). The Court may take judicial notice of  
26 documents filed and orders or decisions entered in any federal or state court. *See Holder v. Holder*, 305  
27 F.3d 854, 866 (9th Cir. 2002); *Harris v. Florida Elections Comm’s*, 235 F.3d 578, 579 (11th Cir. 2000);  
28 *United States v. Warneke*, 199 F.3d 906, 909 n.1 (7th Cir. 1999). The Court may take judicial notice of  
such documents “not for the truth of the facts recited therein, but for the existence of the opinion, which  
is not subject to reasonable dispute over its authenticity.” *Lee v. City of Los Angeles*, 250 F.3d 668, 690  
(9th Cir. 2001) (quotation and citation omitted). Therefore, this Court may appropriately take judicial

1 notice of the court filings, docket sheets and order designated above as Exhibits A through C, submitted  
2 by KS in support of its Motion to Transfer.

3 DATED: August 28, 2008

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By: /s/ Paul Alston

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ROBERT K.U. KIHUNE, and CORBETT A.K.  
11 KALAMA, in their capacities as Trustees of the  
Kamehameha Schools/Bernice Pauahi Bishop Estate

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