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 13 VETERANS FOR COMMON SENSE, and
 VETERANS UNITED FOR TRUTH, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 VETERANS FOR COMMON SENSE, and
 18 VETERANS UNITED FOR TRUTH, INC.,

19 Plaintiffs,

20 v.

21 JAMES B. PEAKE, M.D., Secretary of Veterans
 Affairs, *et al.*,

22 Defendants.

Case No. C-07-3758-SC

CLASS ACTION

**REQUEST FOR JUDICIAL NOTICE
 IN SUPPORT OF PLAINTIFFS'
 MOTION FOR PRELIMINARY
 INJUNCTION REPLY**

(Fed. R. Civ. P. 65(a); Civil L.R. 65-2)

Date: __ March 7, 2008

Time: 10:00 a.m.

Ctrm: 1, 17th Floor

Complaint Filed July 23, 2007

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1 Pursuant to Federal Rule of Evidence 201, Plaintiffs respectfully request that the Court take
2 judicial notice of certain documents cited in Plaintiffs’ Motion for Preliminary Injunction, which are
3 listed below.

4 Federal Rule of Evidence 201 allows the court to take judicial notice, at any stage of the
5 proceeding, of facts that are “capable of accurate and ready determination by resort to sources whose
6 accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Judicial notice is mandatory
7 where a party requests it and supplies the Court with the necessary information. Fed. R. Evid.
8 201(d).

9 Newspaper articles which make note of facts “which would be generally known in [this
10 jurisdiction] and which would be capable of sufficiently accurate and ready determination” are the
11 proper subject of judicial notice. *Ritter v. Hughes Aircraft Co.*, 58 F.3d 454, 458-59 (9th Cir. 1995)
12 (taking judicial notice of facts in newspaper articles); *see also Ieradi v. Mylan Labs., Inc.*, 230 F.3d
13 594, 598 n.2 (3rd Cir. 2000) (taking judicial notice of newspaper article).

14 Scientific studies are also the proper subject of judicial notice. *See Brown v. Bd. of Educ.*,
15 347 U.S. 483, 495 n.11 (1954) (taking judicial notice of scientific studies). Similarly, records of
16 congressional testimony “are the types of documents for which the accuracy cannot reasonably be
17 questioned. *321 Studios v. Metro Goldwyn Mayer Studios, Inc.*, 307 F. Supp. 2d 1085, 1107 (N.D.
18 Cal. 2004).

19 Accordingly, Plaintiffs request the Court take judicial notice of the following:

- 20 1. Kelly McBride, *Suicide of Marine veteran, student affects many at UWGB*, Green Bay
21 Press-Gazette, Feb. 7, 2008, a true and correct copy of which is attached hereto as Exhibit A.
- 22 2. Lynn Proctor Windle, *Man found hanged at local motel*, Star Community
23 Newspapers, Jan. 25, 2008, a true and correct copy of which is attached hereto as Exhibit B.
- 24 3. Office of Disease Prevention and Epidemiology, Oregon Department of Human
25 Services, *Violent Deaths in Oregon: 2005 (2007)*, a true and correct copy of which is attached hereto
26 as Exhibit C.

1 4. *Stopping Suicides: Mental Health Challenges Within the U.S. Department of Veterans*
2 *Affairs*, 110th Cong. (2007) (Testimony of Mike and Kim Bowman), a true and correct copy of which
3 is attached hereto as Exhibit D.

4 5. Desai et al, *Mental Health Service Delivery and Suicide Risk: The Role of Individual*
5 *Patient and Facility Factors*, 162:2 American Journal of Psychiatry 311, (2005), a true and correct
6 copy of which is attached hereto as Exhibit E.

7 **CONCLUSION**

8 Therefore, Plaintiffs respectfully request the Court take judicial notice of the attached
9 documents.

10 Dated: February 11, 2008

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