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 11 BRAVE NEW FILMS 501(c)(4)

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

16 BRAVE NEW FILMS 501(C)(4),

17 Plaintiff,

18 v.

19 MICHAEL WEINER aka MICHAEL SAVAGE,  
 and ORIGINAL TALK RADIO NETWORK,  
 20 INC.,

21 Defendants.

No. CV 08-04703 SI

**SUPPLEMENTAL REQUEST FOR  
 JUDICIAL NOTICE IN SUPPORT  
 OF BRAVE NEW FILMS REPLY  
 MEMORANDUM IN SUPPORT OF  
 MOTION FOR PARTIAL  
 SUMMARY JUDGMENT**

Date: June 12, 2009  
 Time: 9:00 am  
 Place: Courtroom 10  
 Judge: Honorable Susan Illston

24 **I. INTRODUCTION**

25 Pursuant to Federal Rule of Evidence 201, Plaintiff Brave New Films 501(c)(4)  
 26 respectfully requests that the Court take judicial notice of the following in support of its Reply  
 27 Memorandum in support of its Motion for Partial Summary Judgment:  
 28

- 1 • **Exhibit A:** A true and correct copy of an Opposition to a Motion for an Award  
2 of Attorneys’ Fees filed by Michael Savage on October 23, 2008 in *Savage v.*  
3 *Council on American-Islamic Relations, Inc.*, No. 3:07-cv-06076-SI, Docket No.  
4 50.
- 5 • **Exhibit B:** A true and correct copy of a declaration by Daniel A. Horowitz, filed  
6 in support of Michael Savage’s Opposition to a Motion for an Award of  
7 Attorneys’ Fees on October 23, 2008 in *Savage v. Council on American-Islamic*  
8 *Relations, Inc.*, No. 3:07-cv-06076-SI, Docket No. 50-2.
- 9 • **Exhibit C:** A true and correct copy of Ian K. Boyd’s profile on Harvey Siskind  
10 LLP’s website at: [http://www.harveysiskind.com/attorneys/i\\_k\\_boyd.html](http://www.harveysiskind.com/attorneys/i_k_boyd.html).
- 11 • **Exhibit D:** A true and correct copy of Harvey Siskind LPP’s contact information  
12 from its website at: <http://www.harveysiskind.com/contact/>.
- 13 • **Exhibit E:** A true and correct copy of a web page providing information for  
14 Savage’s Legal Fund, available on Savage’s website at:  
15 <http://www.michaelsavage.wnd.com/?pageId=1748>.
- 16 • **Exhibit F:** A true and correct copy of a Staff Report to the Planning  
17 Commission of the Marin County Community Development Agency, available  
18 on the County of Marin’s website at:  
19 [http://www.co.marin.ca.us/EFiles/docs/CD/PlanCom/05\\_0613\\_IT\\_05060710565](http://www.co.marin.ca.us/EFiles/docs/CD/PlanCom/05_0613_IT_05060710565)  
20 0.pdf.

21 **II. ARGUMENT**

22 Federal Rule of Evidence 201 provides that a court may take judicial notice of a  
23 fact “not subject to reasonable dispute [and] . . . capable of accurate and ready determination by  
24 resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). A  
25 court may take judicial notice “at any stage of the proceeding,” including in ruling on a motion  
26 for summary judgment. Fed. R. Evid. 201(f); see *Hunt v. Check Recovery Sys.*, 478 F. Supp. 2d  
27 1157, 1160-61 (N.D. Cal. 2007) (taking judicial notice on a motion for summary judgment).

1           **A.     Court Documents**

2           The Court may take judicial notice of matters of the public record including  
3 pleadings, orders and other documents filed in another court. *See Reyn's Pasta Bella, LLC v.*  
4 *Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (a court may take judicial notice of court  
5 filings and other matters of public record). Therefore, this Court may take judicial notice of the  
6 court filings designated above as Exhibit A and Exhibit B.

7           **B.     Websites**

8           The Court may take judicial notice of a website maintained publicly on the World  
9 Wide Web, the contents of which are readily ascertainable and widely disseminated. *See e.g.*,  
10 *Rearden LLC v. Rearden Commerce, Inc.*, 597 F.Supp.2d 1006, 1013 n.3 (N.D. Cal. 2009)  
11 (“The court takes judicial notice of contents of this website and other websites cited herein  
12 pursuant to Federal Rule of Evidence 201.”); *Caldwell v. Caldwell*, 420 F. Supp. 2d. 1102, 1105  
13 n.3 (N.D. Cal. 2006) (granting judicial notice of the UC Berkeley Museum of Paleontology  
14 website and a portion of that site), *aff'd*, 545 F.3d 1126 (9th Cir. 2008); *Coremetrics Inc. v.*  
15 *Atomic Park.com, LLC*, 370 F. Supp. 2d 1013, 1021 (N.D. Cal. 2005) (taking judicial notice of  
16 content on AtomicPark’s website); *Cairns v. Franklin Mint Co.*, 107 F. Supp. 2d 1212, 1216  
17 (C.D. Cal. 2000) (taking judicial notice of pages on Warhol Museum’s website), *aff'd*, 292 F.3d  
18 1139 (9th Cir. 2000). Because website content is a proper subject for judicial notice, this Court  
19 may take judicial notice of the web pages attached hereto as Exhibit C, Exhibit D and Exhibit E.

20           **C.     Public Records**

21           The Court may take judicial notice of the records of state agencies and other  
22 undisputed matters of public record. *See Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir.  
23 2001) (a court may take judicial notice of matters of public record unless the matter is a fact  
24 subject to reasonable dispute); *Mack v. S. Bay Beer Distribs., Inc.*, 798 F.2d 1279, 1282 (9th Cir.  
25 1986) (a court may take judicial notice of records and reports of state administrative bodies),  
26 *overruled on other grounds by Astoria Fed. Sav. & Loan Ass’n v. Solimino*, 501 U.S. 104 (1991).  
27 Specifically, the Court may take judicial notice of the Staff Report to the Planning Commission  
28 of the Marin County Community Development Agency, attached hereto as Exhibit F. *See Ass’n*

1 *of Irritated Residents v. C&R Vanderham Dairy*, No. 05-cv-1593, 2007 U.S. Dist. LEXIS 70890,  
2 at \*27-30 (E.D. Cal. Sept. 24, 2007) (taking judicial notice of San Joaquin Valley Unified Air  
3 Pollution Control District, Final Draft Staff Reports).

4 **III. CONCLUSION**

5 For the reasons set forth above, this Court may appropriately take judicial notice  
6 of Exhibits A through F.

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9 DATED: May 29, 2009

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By: \_\_\_\_\_ /s/ Anthony T. Falzone

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