

United States District Court

For the Northern District of California

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8IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA13 KEITH BRITTO and YVONNE BRITTO, No. C 13-03508 WHA
14 Plaintiffs,
15 v. **ORDER RE JUDICIAL NOTICE**
16 BANK OF AMERICA, N.A., *et al.*
17 Defendants.
18 _____/19 Defendants request judicial notice of four documents: (1) plaintiffs' 2010 chapter seven
20 bankruptcy petition, (2) the related 2010 bankruptcy court discharge order, (3) 2006 deed of trust
21 recorded in the official records of the Alameda County Recorder's office, document number
22 2006022569, and (4) 2011 assignment of deed of trust recorded in the official records of the
23 Alameda County Recorder's Office, document number 2011224053. While plaintiffs do not
24 object to judicially noticing the bankruptcy petition or the discharge order, they argue that the
25 factual matters stated within the deed of trust and assignment of deed of trust should not be
26 judicially noticed because they are hearsay and therefore reasonably subject to dispute.27 Public records are judicially noticeable, but disputed facts therein are not. *Lee v. City of*
28 *L.A.*, 250 F.3d 668, 690 (9th Cir. 2001). Thus, the 2010 bankruptcy petition and the 2010
bankruptcy discharge order are hereby judicially noticed. This order also judicially notices the

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1 authenticity and existence of the 2006 deed of trust and 2011 assignment of deed of trust, but
2 does not judicially notice the facts contained in these documents.

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4 **IT IS SO ORDERED.**

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6 Dated: September 7, 2013.

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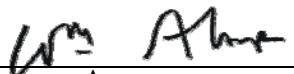
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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE