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 12 IN THE UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 **VIDEO SOFTWARE DEALERS ASSOCIATION**
 16 **and ENTERTAINMENT SOFTWARE**
 17 **ASSOCIATION,**

Plaintiffs,

18 v.

19 **ARNOLD SCHWARZENEGGER, in his official**
 20 **capacity as Governor of the State of California;**
 21 **BILL LOCKYER, in his official capacity as**
Attorney General of the State of California;
 22 **GEORGE KENNEDY, in his official capacity as**
Santa Clara County District Attorney, RICHARD
 23 **DOYLE, in his official capacity as City Attorney**
for the City of San Jose, and ANN MILLER
 24 **RAVEL, in her official capacity as County Counsel**
for the County of Santa Clara,

Defendants.

C 05 4188 RMW RS

**REQUEST FOR JUDICIAL
 NOTICE IN SUPPORT OF
 OPPOSITION TO PLAINTIFFS'
 MOTION FOR ATTORNEYS
 FEES AND COSTS.**

[Fed. R. Evid. § 201]

Hearing: October 19, 2007
 Time: 9:00 a.m.
 Courtroom: 6
 Judge: The Honorable Ronald
 M. Whyte

1 Pursuant to Federal Rule of Evidence 201(b)(2) the state defendants hereby request that
 2 this Court take judicial notice of United States District Court documents attached as Exhibits A
 3 through F to the supporting declaration of Michelle Levy. Federal Rule of Evidence 201(b)(2)
 4 permits judicial notice of a fact that is "not subject to reasonable dispute in that it is ... (2) capable
 5 of accurate and ready determination by resort to sources whose accuracy cannot reasonably be
 6 questioned." A court may take judicial notice of its own records and matters of public record outside
 7 the pleadings. See generally, 9 Wright and Miller, Federal Practice and Procedure: Evidence 2d,
 8 §5106.4, at 228-232 (1994); *MGIC Indem. Co. v. Weisman*, 803 F.2d 500, 505 (9th Cir.1986).

9 Attached to the supporting declaration of Michelle Levy are true and correct copies of the
 10 following documents for which judicial notice is requested:

- 11 Exhibit A: Plaintiffs' Notice of Motion and Motion for a Preliminary Injunction
 12 (Document No. 5) and Plaintiffs' Notice of Motion and Motion For
 Summary Judgement (Document No. 74) filed in the present case.
- 13 Exhibit B: Plaintiffs' Motion for a Preliminary Injunction (Document No. 9);
 14 Plaintiffs' Motion For Summary Judgement (Document No. 41); and Order
 Granting Plaintiffs' Motion For Attorneys Fees and Costs (Document
 15 No.75) in *Entertainment Software Association v. Granholm*, (E.D.Mich).
- 16 Exhibit C: Plaintiffs' Memorandum in Support of Motion for a Temporary
 Restraining Order and/or a Preliminary Injunction filed in *Entertainment
 17 Software Association v. Hatch*, (D. Minn 2006).
- 18 Exhibit D: Plaintiffs' Memorandum in Support of Application for a Temporary
 Restraining Order; and Plaintiffs' Memorandum in Support of Motion For
 19 Summary Judgement filed in *Entertainment Software Association v. Foti*
 (M.D. La).
- 20 Exhibit E: Plaintiffs' Memorandum in Support of Motion for a Preliminary Injunction
 filed in *Entertainment Software Association v. Blagojevich* (N.D. Ill.)
- 21 Exhibit F: Plaintiffs' Motion for a Preliminary Injunction; and Plaintiffs' Motion For
 22 Summary Judgement filed in *Video Software Dealers Association v
 Maleng* (W.D. Wash.)

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Dated: September 26, 2007

Respectfully submitted,
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