

1 GIBSON, DUNN & CRUTCHER LLP  
THEODORE J. BOUTROUS, JR., SBN 132099  
2 H. MARK LYON, SBN 162061  
ETHAN D. DETTMER, SBN 196046  
3 1881 Page Mill Road  
Palo Alto, California 94304  
4 Telephone: (650) 849-5300  
Facsimile: (650) 849-5333

5 JENNER & BLOCK LLP  
6 PAUL M. SMITH (*pro hac vice* application pending)  
KATHERINE A. FALLOW (*pro hac vice* application pending)  
7 AMY L. TENNEY (*pro hac vice* application pending)  
601 13th Street, N.W., Suite 1200  
8 Washington, D.C. 20005  
Telephone: (202) 639-6000  
9 Facsimile: (202) 639-6066

10 Attorneys for Plaintiffs  
VIDEO SOFTWARE DEALERS ASSOCIATION  
11 and ENTERTAINMENT SOFTWARE ASSOCIATION

12  
13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

18 Plaintiffs,

19 vs.

20 ARNOLD SCHWARZENEGGER, in his official  
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,

25 Defendants.  
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CASE NO. C 05-4188 RMW (RS)

PLAINTIFFS' REQUEST FOR  
JUDICIAL NOTICE

1 Plaintiffs Video Software Dealers Association and Entertainment Software Association  
2 respectfully request that the Court take judicial notice of the following documents pursuant to Federal  
3 Rule of Evidence 201:

4 1. The Order Granting Plaintiffs' Motion for Preliminary Injunction in *Entertainment*  
5 *Software Assoc., et al. v. Granholm, et al.*, No. 05-CV-73634, 2005 WL 3008584 (E.D. Mich. Nov. 9,  
6 2005). "Judicial notice is properly taken of orders and decisions made by other courts or  
7 administrative agencies." *Papai v. Harbor Tug & Barge Co.*, 67 F.3d 203, 207 n.5 (9th Cir. 1995),  
8 *rev'd on other grounds*, 520 U.S. 548 (1997); *see also Miles v. California*, 320 F.3d 986, 987 n.1 (9th  
9 Cir. 2003).

10 2. The Report of the California Senate Judiciary Committee on Assembly Bill 1179. Cal.  
11 Sen. Judiciary Comm. Report, AB 1179 (2005). Legislative history of California statutes is subject to  
12 judicial notice. *Chaker v. Crogan*, \_\_\_ F.3d \_\_\_, 2005 WL 2978600 at n.8 (9th Cir. Nov. 3, 2005).

13 3. A transcript of proceedings on November 14, 2005, in *Entertainment Software*  
14 *Association, et al. v. Blogojevich, et al.*, No. 05 C 4265 (N.D. Ill. Nov. 14, 2005) ("*Blogojevich*"). A  
15 transcript of proceedings before a different tribunal are properly subject to judicial notice. *Biggs v.*  
16 *Terhune*, 334 F.3d 910, 915 n.3 (9th Cir. 2003).

17 4. A transcript of proceedings on November 15, 2005, also in *Blogojevich*. *See Biggs*,  
18 334 F.3d at 915 n.3.

19 5. The declaration of Jeffrey H. Goldstein, and exhibit A thereto, filed in *Blogojevich*.  
20 The records of a court in a different lawsuit are properly subject to judicial notice. *Mullis v. United*  
21 *States Bank. Ct.*, 828 F.2d 1385, 1388 n.9 (9th Cir. 1987).

22 6. The declaration of Dmitri Williams, and exhibit A thereto, filed in *Blogojevich*. *See*  
23 *Mullis*, 828 F.2d at 1388 n.9.

24 7. A transcript of proceedings on November 16, 2005, also in *Blogojevich*. *See Biggs*,  
25 334 F.3d at 915 n.3.

26 8. The declaration of Howard C. Nusbaum, and exhibit A thereto, filed in *Blogojevich*.  
27 *See Mullis*, 828 F.2d at 1388 n.9.

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1 True and correct copies of the documents listed above are attached hereto as Exhibits one  
2 through 8, respectively.

3 Respectfully submitted.

4 DATED: November 23, 2005.

5 GIBSON, DUNN & CRUTCHER LLP  
6 THEODORE J. BOUTROUS, JR.  
7 H. MARK LYON  
8 ETHAN D. DETTMER

9 By: \_\_\_\_\_ /s/  
Ethan D. Dettmer

10 JENNER & BLOCK LLP  
11 PAUL M. SMITH  
12 KATHERINE A. FALLOW  
13 AMY L. TENNEY  
14 601 13th Street, N.W., Suite 1200  
15 Washington, D.C. 20005  
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