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9 Attorneys for Defendants Governor Arnold  
 10 Schwarzenegger and Attorney General Bill Lockyer

11 N THE UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

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

Plaintiffs,

17 v.

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

Defendants.

C 05 4188 RMW RS

GOVERNOR AND ATTORNEY  
 REQUEST FOR JUDICIAL  
 NOTICE IN SUPPORT OF  
 MOTION FOR SUMMARY  
 JUDGMENT

Hearing: May 12, 2006

Time: 9:00 a.m.

Courtroom: 6

Judge: The Honorable Ronald M.  
 Whyte

27 Pursuant to Rule 201 of the Federal Rules of Evidence, defendants Governor Arnold  
 28 Schwarzenegger and Attorney General Bill Lockyer respectfully request the Court take judicial

RJN

*Video Software Dealers Association, et al. v. Schwarzenegger, et al.*

C 05 4188 RMW RS

1 notice of the following materials, true and correct copies of which are attached hereto as Exhibits  
2 1-7:

- 3 1. Senate Judiciary Committee analysis of AB 1179 for September 8, 2005 hearing;
- 4 2. Senate Rules Committee, Office of Floor Analyses analysis of AB 1179 on September  
5 23, 2005;
- 6 3. Senate Floor role call for AB 1179 on September 8, 2005;
- 7 4. Assembly Floor Concurrence in Senate Amendments of AB 1179 on September 8, 2005;
- 8 5. Assembly Floor role call for AB 1179 on September 8, 2005;
- 9 6. Complete Bill History for AB 1179;
- 10 7. Complete Bill History for AB 450.

11 True and correct copies of each item were obtained from the State of California's  
12 Legislative Counsel's web site on November 8, 2005. See <http://www.leginfo.ca.gov>. The  
13 legislative history of statutes "constitute judicial facts sufficiently capable of accurate and ready  
14 determination" and are properly subject to judicial notice. *Palmer v. Stassinios*, 348 F. Supp. 2d  
15 1070, 1077 (N.D. Cal. 2004).

16 Defendants further request that judicial notice be take of Appendices A - E, served, lodged  
17 and filed with the Court by defendants on November 9, 2005. Each Appendix contains true and  
18 correct copies of materials from the legislative files of the California State Assembly and Senate  
19 regarding Assembly Bills 450 and 1179. See Declaration of Zackery P. Morazzini, submitted  
20 concurrently herewith and incorporated herein by this reference. In the interest of judicial  
21 economy, duplicate copies of the Appendices will not be re-lodged with the Court or re-served  
22 on the parties.

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1           These materials “constitute judicial facts sufficiently capable of accurate and ready  
2 determination” and are properly subject to judicial notice. *Palmer, supra*, 348 F. Supp. 2d at p.  
3 1077.

4           Dated: March 30, 2006

5                               Respectfully submitted,

6                               BILL LOCKYER  
7                               Attorney General of the State of California

8                               LOUIS R. MAURO  
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12                              SUSAN L. LEACH  
13                              Deputy Attorney General

14                              /s/ Zackery P. Morazzini

15                              ZACKERY P. MORAZZINI

16                              Deputy Attorney General

17                              Attorneys for Defendants Governor Arnold Schwarzenegger and  
18                              Attorney General Bill Lockyer