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6 QUEBECOR WORLD ARCATA CORP.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 NANCY FERGUSON, individually and as
trustee of the FERGUSON FAMILY TRUST,
12 and on behalf of her subrogee,

13 Plaintiff,

14 v.

15 ARCATA REDWOOD COMPANY, LLC, a
Washington limited liability company, et al.;

16 Defendants.
17

18 AND RELATED CLAIMS
19

CASE NO. C 03-5632 SI

**QUEBECOR WORLD ARCATA CORP.'S
REQUEST FOR JUDICIAL NOTICE;
DECLARATION OF WILLIAM D. WICK
IN SUPPORT THEREOF**

[Filed concurrently with Quebecor World
Arcata Corp.'s Reply to Plaintiff's
Opposition to Summary Judgment]

Date: June 17, 2005
Time: 9:00 a.m.
Dept.: Courtroom 10
Judge: Honorable Susan Illston

Doc. 1055

1 **REQUEST FOR JUDICIAL NOTICE**

2 Quebecor World Arcata Corporation ("Quebecor") hereby requests the Court to
3 take judicial notice of Exhibit 2 (Cleanup and Abatement Order No. 5-00-712, Regional
4 Water Quality Control Board, October 6, 2000, dated October 6, 2000) attached to the
5 accompanying Declaration of William D. Wick, which is incorporated herein by reference.
6 This request is made pursuant to Rule 201 of the Federal Rules of Evidence and the
7 authorities cited below.

8 Federal Rule of Evidence 201(b) provides that a court may take judicial notice of a
9 fact "not subject to reasonable dispute in that it is either (1) generally known within the
10 territorial jurisdiction of the trial court or (2) capable of accurate and ready determination
11 by resort to sources whose accuracy cannot be reasonably questioned." Exhibit 1
12 attached to this request is a true and correct copy of an Order issued by the Regional
13 Board and is public record. The contents of each of this document is a matter of general
14 knowledge within the territorial jurisdiction of this Court and are not reasonably subject
15 to dispute. Therefore, this Court can and should consider them in deciding Quebecor's
16 Motion.

17 Furthermore, as official acts of a court and a state administrative agency, the
18 Regional Board Order is subject to judicial notice. *See Valero v. Dahlberg*, 716 F.Supp.
19 1031, 1035 (S.D. Ohio 1988)(judicial notice taken of decision by state unemployment
20 compensation review board; there was no dispute as to authenticity of decision).

21 Based upon the foregoing, this Court can and should take judicial notice of each of
22 the documents described above and attached as exhibits hereto.

23 Dated: July 15, 2005

24 WACTOR & WICK LLP

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26 By: 

27 WILLIAM D. WICK

Attorneys for Defendant

Quebecor World Arcata Corporation

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SUPPORTING DECLARATION OF WILLIAM D. WICK

I, WILLIAM D. WICK, declare:

1. I am a member of the State Bar of California and the Bar of this Court, an attorney of the law firm Wactor and Wick LLP, and one of the attorneys of record for defendant QUEBECOR WORLD ARCATA CORP. in this action. I have first-hand and personal knowledge of the facts set forth herein and, if called as a witness, I could and would competently testify under oath thereto.

2. Attached as Exhibit 2 to the accompanying Declaration of William D. Wick is a true and correct copy of the Regional Board Order described in the preceding Request for Judicial Notice.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 15, 2005, at Oakland, California.



WILLIAM D. WICK