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18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 KEVIN VANGINDEREN,

21 Plaintiff,

22 v.

23 CORNELL UNIVERSITY,

24 Defendant.

) Case No. 07-CV-2045-BTM-JMA

) Hon. Barry T. Moskowitz

) CORNELL'S SUPPLEMENTAL
) REQUEST FOR JUDICIAL NOTICE IN
) SUPPORT OF SPECIAL MOTION TO
) STRIKE PLAINTIFF'S COMPLAINT
) PURSUANT TO SECTION 425.16 OF
) THE CALIFORNIA CODE OF CIVIL
) PROCEDURE

25 [Per chambers, no oral argument unless
26 requested by the Court]

27 [Declaration of Nelson E. Roth filed
28 concurrently]

Hearing Date: December 21, 2007
Time: 11:00 a.m.
Place: Courtroom 15

Action Filed: October 1, 2007

29 Pursuant to Federal Rule of Evidence 201, defendant Cornell University ("Cornell")
30 requests that the Court take judicial notice of the following:

1 **Exhibit E:** The Memorandum Decision and Order issued by the County Court of
 2 Tompkins County, dated November 16, 2007, ordering the unsealing of records sealed by that
 3 court in 1983 from the proceeding captioned *People of the State of New York v. Kevin*
 4 *Vanginderen* and held by the Tompkins County District Attorney's Office and Cornell University
 5 Police.

6 **Exhibit F:** Pertinent records of the County Court of Tompkins County, the Cornell
 7 University Police, and the Tompkins County District Attorney, unsealed on November 16, 2007.

8 Judicial notice is proper because the documents for which this Request is made are
 9 “capable of accurate and ready determination by resort to sources whose accuracy cannot
 10 reasonably be questioned.” Fed. R. Evid. 201(b)(2); *Lee v. City of Los Angeles*, 250 F.3d 668,
 11 689-90 (9th Cir. 2001) (taking judicial notice of a state court's records); *Brooks v. Alameda*, 446
 12 F.Supp.2d 1179, 1182 (S.D. Cal. 2006) (taking judicial notice of court file, including any orders
 13 by the court, in earlier related action).

14 Exhibit F constitutes the “[f]urther details of Plaintiff's criminal activities” that Cornell
 15 stated it would make available to the Court once they were unsealed. *See* Defendant's
 16 Memorandum of Points and Authorities at 3. As described in the concurrently filed Declaration of
 17 Nelson E. Roth, the records were unsealed on November 16, 2007. Roth Decl. ¶ 5 & Supp. Req.
 18 Jud. Not., Ex. E.

19
 20 DATED: December 12, 2007

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s/Bert H. Deixler

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