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UNITED STATES DISTRICT COURT		
SOUTHERN DISTRI	CT OF CALIFORNIA	
PAUL HUPP,	CASE NO. 12-cv-0492-GPC-JLB	
Plaintiff,	ORDER GRANTING DEFENDANTS COUNTY OF SAN	
VS.	DIEGO AND JOSEPH CARGEL'S	
	FILE ANSWER AND MOTION FOR JUDGMENT ON THE	
SAN DIEGO COUNTY, et al.	PLEADINGS	
Defendants.	[Dkt. No. 292]	
As the Court has noted in a previous Order filed in this case, (Dkt. No. 289),		
only the twelfth cause of action remains of the twelve causes of action alleged		
against the various Defendants in Plaintiff's Third Amended Complaint ("TAC"),		
the current operative complaint (Dkt. No. 64). That cause of action, as alleged		
against the County of San Diego and Joseph Cargel ("Defendants") was stayed		
pending resolution of Plaintiff's state criminal appeal proceeding pursuant to this		
Court's order. (See Dkt. No. 156.) The Court ordered the parties to notify it upon		
the conclusion of any underlying appeal and to seek leave via <i>ex parte</i> application		
before filing any further motions. (Dkt. No. 291.)		
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	PAUL HUPP, PAUL HUPP, Vs. Plaintiff, vs. SAN DIEGO COUNTY, et al. Defendants. As the Court has noted in a previou only the twelfth cause of action remains of against the various Defendants in Plaintiff the current operative complaint (Dkt. No. against the County of San Diego and Jose pending resolution of Plaintiff's state crim Court's order. (<i>See</i> Dkt. No. 156.) The C the conclusion of any underlying appeal a	

In their *ex parte* application, Defendants now advise the Court that on 2 January 8, 2015, the California Court of Appeal affirmed Plaintiff's criminal 3 conviction, and that on April 1, 2015, the California Supreme Court denied Plaintiff's petition for review and that the case was considered "complete" as of 4 5 April 8, 2015. (Dkt. No. 292.)

In support of their ex parte application, Defendants request judicial notice of the following two documents (Dkt. No. 292-1):

- Exhibit A: Opinion of the Court of Appeal, Fourth Appellate District of California, Division One, Case No. D064053 (The People v. Paul Hupp) filed 1/8/15 (Dkt. No. 292-2);
- **Exhibit B**: Docket (Register of Actions) for Court of Appeal, Fourth Appellate District of California, Division One, Case No. D064053 (The People v. Paul Hupp) (Dkt. No. 292-3).

A court may take notice of undisputed "matters of public record" subject to 14 judicial notice. Lee v. City of Los Angeles, 250 F.3d 668, 688-89 (9th Cir. 2001) 15 (citing Fed. R. Evid. 201; MGIC Indem. Corp. v. Weisman, 803 F.2d 500, 504 (9th 16 Cir. 1986)). Under Federal Rule of Evidence 201, a district court may take notice of 17 18 facts not subject to reasonable dispute that are capable of accurate and ready 19 determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b); see also Lee, 250 F.3d at 689. Defendants' two requests for 20 21 judicial notice are properly noticeable as the documents are matters of public record 22 and are capable of accurate and ready determination. Finding the Opinion of the Court of Appeal and the Docket (Register of Actions) for the state appeal 23 24 proceeding relevant, the Court takes judicial notice of both documents. 25 // 26 // 27 //

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1	Since the state court criminal appeal has been completed, the Court hereby		
2	issues the following ORDER :		
3	1.	The stay of above-captioned matter is hereby LIFTED;	
4	2.	Defendants' ex parte application to file an Answer and Motion for	
5		Judgment on the Pleadings is GRANTED and Defendants are	
6		instructed to file an Answer and Motion for Judgment on the Pleadings	
7		within three (3) days of the electronic docketing of this Order; and	
8	3.	The Court takes judicial notice of the following documents:	
9		a. Exhibit A : Opinion of the Court of Appeal, Fourth Appellate	
10		District of California, Division One, Case No. D064053 (The	
11		People v. Paul Hupp) filed 1/8/15; and	
12		b. Exhibit B : Docket (Register of Actions) for Court of Appeal,	
13		Fourth Appellate District of California, Division One, Case No.	
14		D064053 (The People v. Paul Hupp).	
15	IT	IS SO ORDERED.	
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17	DATED:	August 20, 2015	
18		Consalo Cn. 2	
19		United States District Judge	
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