

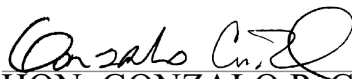
1 Virginian-Pilot on April 19, 2015. (ECF No. 225-2.) Plaintiff argues that the Court
2 may judicially notice the article under Rule 201(c)(2) of the Federal Rules of Evidence
3 because the existence and publication of newspaper articles are not subject to
4 reasonable dispute and Plaintiff offers it only to show what is in the public realm. (*Id.*
5 at 2 (quoting *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954,
6 960 (9th Cir. 2010)).

7 The Court construes SourceAmerica's *ex parte* application for leave to file its
8 notice of new facts (ECF No. 223) as a request for judicial notice and **DENIES** the
9 request because the Virginia Court's orders are irrelevant to the disposition of the
10 present motion to seal. *See Santa Monica Food Not Bombs v. City of Santa Monica*,
11 450 F.3d 1022, 1025 n.2 (9th Cir. 2006) (declining to take judicial notice of reports not
12 relevant to the resolution of the matters before the court); *Flick v. Liberty Mut. Fire Ins.*
13 *Co.*, 205 F.3d 386, 393 n.7 (9th Cir. 2000) (same).

14 As to Plaintiff's request, the Court acknowledges that under Federal Rule of
15 Evidence 201, a court may take notice of facts not subject to reasonable dispute that are
16 capable of accurate and ready determination by resort to sources whose accuracy
17 cannot reasonably be questioned. Fed. R. Evid. 201(b). Additionally, Plaintiff is
18 correct that "[c]ourts may take judicial notice of publications introduced to 'indicate
19 what was in the public realm at the time, not whether the contents of those articles were
20 in fact true.'" *Von Saher*, 592 F.3d at 960 (quoting *Premier Growth Fund v. Alliance*
21 *Capital Mgmt.*, 435 F.3d 396, 401 n.15 (3d Cir. 2006)). Here, the publication can be
22 readily accessed and confirmed. Plaintiff only seeks judicial notice to show that this
23 case and some of the subject matter of SourceAmerica's pending motion to seal is in
24 the public realm. The Court, therefore, finds it appropriate to judicially notice this
25 article and **GRANTS** Plaintiff's request (ECF No. 225-2).

26 **IT IS SO ORDERED.**

27 DATED: June 1, 2015

28 
HON. GONZALO P. CURIEL
United States District Judge