

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 07-cv-02351-PAB-KLM

In Re Crocs, Inc. Securities Litigation

ORDER

This matter comes before the Court on defendant Deloitte & Touche LLP's request for judicial notice [Docket No. 105] and defendant Crocs, Inc. and various individual defendants' request for judicial notice [Docket No. 109]. Both ask the Court to take judicial notice of certain SEC filings, press releases, industry publications, and conference call transcripts in connection with the defendants' respective motions to dismiss [Docket Nos. 104, 107, 108].

In their response to the request for judicial notice, plaintiffs do not object to the Court's taking of judicial notice of the documents' existence, but "do object to the extent that [d]efendants seek judicial notice of the SEC filings, press releases, and conference call transcripts to prove the truth of the matters asserted therein."¹ [Docket No. 113 at 2].

Being fully advised of the premises, it is

¹ Plaintiffs also object to any reliance on a 10b5-1 plan which Crocs, Inc. references in its motion to dismiss [Docket No. 107 at 20]. However, because this plan is not referenced in the defendants' motions presently before the Court, I make no ruling on the issue at this time.

ORDERED that defendant Deloitte & Touche LLP's request for judicial notice [Docket No. 105] and defendant Crocs, Inc. and various individual defendants' request for judicial notice [Docket No. 109] are GRANTED as follows:

The Court will take judicial notice of the existence of the two documents (listed in paragraphs 1-2) referenced in defendant Deloitte & Touche LLP's request for judicial notice [Docket No. 105 at 2] and the fourteen documents (listed in paragraphs A-N) referenced in defendant Crocs, Inc.'s request for judicial notice [Docket No. 109 at 2-4]. Furthermore, the Court will accept that the submitted versions accurately represent the contents of those documents. However, the Court will not necessarily presume that the statements in those documents are true.

DATED March 24, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge