

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 14-cv-00980-REB-KMT

DJS ONE, INC., a Colorado corporation,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE CORPORATION, as receiver for COMMUNITY BANKS OF COLORADO,

Defendant.

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**ORDER GRANTING MOTION TO TAKE JUDICIAL NOTICE**

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**Blackburn, J.**

This matter is before me on the **Motion Requesting Court To Take Judicial Notice** [#35]<sup>1</sup> filed December 29, 2014. No response or reply was filed. I grant the motion.

In the motion, the defendant asks the court to take judicial notice of the following orders: (1) the order [#35-5] entered on December 12, 2014, by the Colorado Court of Appeals dismissing an appeal in **NBH Bank, N.A. v. Nevada Ridge LLC**, Colorado Court of Appeals Case No. 2014CA1303, attached to the motion as Exhibit F; (2) an order [#35-7] entered on August 18, 2014, by the United States Court of Appeals for the Tenth Circuit in consolidated case nos. 13-1525, 13-1536, & 14-1021, attached to the motion as Exhibit H.

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<sup>1</sup> “[#35]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

The defendant discusses also four orders of the District Court of Gunnison County, Colorado, attached to the motion as Exhibits A through D. The orders of the district court were entered in two related cases. One of those cases is the subject of the order of the Colorado Court of Appeals. The order of the court of appeals made final the orders of the district court in the underlying. Implicitly, the defendant asks the court to take judicial notice of the district court orders as well.

Under Federal Rule of Evidence 201(b)(2), the court may take judicial notice of a fact that is not subject to reasonable dispute because "it can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Judicial notice is mandatory when it is requested by a party and the court is supplied with the necessary information. Fed. R. Evid. 201(c)(2) (2014). Here, the court has been supplied with the necessary information, there is no objection to the court taking judicial notice of the court orders at issue, and it is proper for this court to take judicial notice of orders of courts of the State of Colorado. The form and content of these orders are matters of public record readily accessible to this court and both of the parties.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Motion Requesting Court To Take Judicial Notice** [#35] filed December 29, 2014, is **GRANTED**;
2. That under Fed. R. Evid. 201, the court **TAKES JUDICIAL NOTICE** of the orders of the District Court of Gunnison County, Colorado attached to the motion [#35] as Exhibits A, B, C, and D [#35-1, #35-2, #35-3, and #35-4];

3. That under Fed. R. Evid. 201, the court **TAKES JUDICIAL NOTICE** of the order of the Colorado Court of Appeals attached to the motion [#35] as Exhibit F [#35-5]; and

4. That under Fed. R. Evid. 201, the court **TAKES JUDICIAL NOTICE** of the order of the United States Court of Appeals for the Tenth Circuit attached to the motion [#35] as Exhibit H [#35-7].

Dated March 11, 2015, at Denver, Colorado.

**BY THE COURT:**

A handwritten signature in blue ink, appearing to read "Bob Blackburn".

Robert E. Blackburn  
United States District Judge