

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN SOCIETY FOR TESTING AND
MATERIALS d/b/a ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR CONDITIONING
ENGINEERS,

Plaintiffs-Counterdefendants,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant-Counterclaimant.

Case No. 1:13-cv-01215-TSC-DAR

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFNDANT-
COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG, INC.'S
MOTION FOR SUMMARY
JUDGMENT AND OPPOSITION TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND
PERMANENT INJUNCTION**

Action Filed: August 6, 2013

Pursuant to Federal Rule of Evidence 201(b) and the authorities cited below, Defendant-Counterclaimant Public.Resource.Org respectfully requests that the Court take judicial notice of each of the following documents in connection with its Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment and Permanent Injunction:

1. The "Incorporation by Reference" webpage of the Office of the Federal Register, available at <http://www.archives.gov/federal-register/cfr/ibr-locations.html>, a true and correct copy of which is attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 155**.
2. Superseding Indictment in the case of U.S. v. Donald L. Blankenship, No. 5:14-cr-00244 (S.D.W.Va.) and Order issued by U.S. District Judge Irene C. Berger on December 10, 2015 (ECF No. 553) in that case, a true and correct copy of each is attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 156** and **Exhibit 157**, respectively.

A district court may take judicial notice of facts that are “not subject to reasonable dispute in that [they are] either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Under this rule, it is well established that a court may take judicial notice of matters of public record. *See Bebachick v. Washington Metro. Area Transit Comm’n*, 485 F.2d 858, 880 (D.C. Cir. 1973) (“matters of public record . . . [are] well within the range of judicial notice”).

All of the exhibits listed above are matters of public record. Exhibit 151 is a copy of a government website. This Court has “frequently taken judicial notice of information posted on official public websites of government agencies.” *Pharm. Research & Manufacturers of Am. v. United States Dep’t of Health & Human Servs.*, 43 F. Supp. 3d 28, 33 (D.D.C. 2014) (citing *Cannon v. District of Columbia*, 717 F.3d 200, 205 n. 2 (D.C. Cir. 2013)).

Exhibits 152 and 153 are court records in a criminal case. A public record of a criminal conviction is also properly subject to judicial notice in a civil case. *U.S. ex rel. Green v. Serv. Contract Educ. & Training Trust Fund*, 843 F. Supp. 2d 20, 28 (D.D.C. 2012).

For these reasons, Public.Resource.Org respectfully requests that the Court take judicial notice of the three documents listed above.

Dated: December 21, 2015

Respectfully submitted,

/s/ Andrew P. Bridges

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