

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
(at Frankfort)

MICHAEL DEAN VAUGHAN,)	
)	
Plaintiff,)	Civil Action No. 3: 12-35-DCR
)	
V.)	
)	
KENTUCKY ARMY NATIONAL)	MEMORANDUM ORDER
GUARD and UNITED STATES)	
DEPARTMENT OF THE ARMY,)	
)	
Defendants.)	

*** **

This matter is before the Court for consideration of the motion by Plaintiff Michael Dean Vaughan for the Court to take judicial notice of certain Army Regulations and sections of the Kentucky Revised Statutes. [Record No. 23] Having reviewed the motion, the Court determines that a response is not necessary.

The Court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2). Additionally, the Court “may take judicial notice at any stage of the proceeding.” Fed. R. Evid. 201(d). Judicial notice is appropriate for “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.” Fed. R. Evid. 201(b)(2). It is true that, “[f]or over one hundred years, it was quite natural for judges to take judicial notice of statutes.” *United States v. Dedman*, 527 F.3d 577, 586 (6th Cir. 2008). More recently, however, the Sixth Circuit has “cabined the concept of ‘judicial notice’ to facts alone.”

Id. at 587 (citing *Toth v. Grand Trunk R.R.*, 306 F.3d 335, 349 (6th Cir. 2002); *United States v. Wynn*, 987 F.2d 354, 358 (6th Cir. 1993)). This is because “judicial notice is generally not the appropriate means to establish the legal principles governing the case.” *Toth*, 306 F.3d at 349. Despite this general principle, a “legal rule may be a proper fact for judicial notice if it is offered to establish the factual context of the case, as opposed to stating the governing law.” *Id.* As Vaughan himself explains, however, the “content of these Army Regulations and KY Revised Statutes goes to the heart of this instant action and goes towards the plaintiff’s arguments and defenses.” [Record No. 23-2, p. 3] Therefore, the statutes and regulations are not facts that are subject to judicial notice in this matter. *See Toth*, 306 F.3d at 349. Being sufficiently advised, it is hereby

ORDERED that Plaintiff Michael Dean Vaughan’s Request for Judicial Notice [Record No. 23] is **DENIED**.

This 15th day of August, 2012.



Signed By:

Danny C. Reeves DCR

United States District Judge