

FILED
2022 MAR 23 PM 3:10
CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

REX LININ,

Plaintiff,

v.

CHAMBERLIN NEFF,

Defendant.

**MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANT'S
REQUEST FOR JUDICIAL NOTICE**

Case No. 2:15-cv-298-JNP-JCB

District Judge Jill N. Parrish

Defendant Chamberlin Neff (“Neff”) moves the court to take judicial notice of the weather as reported in the Farmer’s Almanac in Sidney, Nebraska; Laramie, Wyoming; Evanston, Wyoming; and Tooele, Utah on the date of Plaintiff Rex Linin’s (“Linin”) arrest. Neff argues that the weather provides relevant information regarding the conditions during Linin’s drive and the conditions under which he performed the field sobriety tests. Linin does not oppose the request.

Federal Rule of Evidence 201(b) permits 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.” A court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” *Id.* at 201(c)(2).

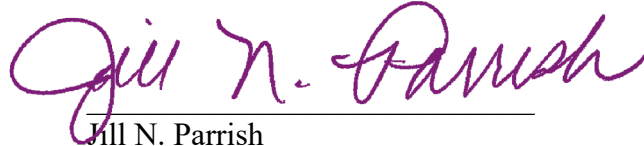
Weather data can be accurately determined by searching the data contained in the Farmer’s Almanac located at www.almanac.com. Indeed, courts regularly take judicial notice of weather and other information contained in the Farmer’s Almanac. *See, e.g., Woods v. City of*

Hayward, No. 19-cv-1350, 2021 WL 4061657, at *4 (N.D. Cal. Sept. 7, 2021); *Rosario v. City of New York*, No. XX, 2021 WL 199342, at *2 n.3 (S.D.N.Y. Jan. 20, 2021); *Bonkowski v. Oberg Indus., Inc.*, 992 F. Supp. 2d 501, 511 (W.D. Pa. 2014).

Accordingly, the court GRANTS Defendant's request for judicial notice.

DATED March 23, 2022.

BY THE COURT



Jill N. Parrish

United States District Court Judge