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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 STEPHEN STETSON, SHANE
14 LAVIGNE, CHRISTINE LEIGH
15 BROWN-ROBERTS, VALENTIN YURI
16 KARPENKO, and JAKE JEREMIAH
17 FATHY, individually and on behalf of all
18 others similarly situated,

19 Plaintiffs,

20 v.

21 WEST PUBLISHING CORPORATION,
22 a Minnesota corporation dba BAR/BRI,
23 and KAPLAN, INC.,

24 Defendants.

Case No. CV-08-00810 R (Ex)

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS-ACTION
SETTLEMENT AND
CONDITIONAL CERTIFICATION
OF SETTLEMENT CLASS**

Date: April 15, 2013
Time: 10:00 a.m.
Courtroom: 8

Assigned to Hon. Manuel L. Real

1 Pursuant to Federal Rule of Evidence 201, this Court may take judicial notice of
2 the following:

3 **Rodriguez Documents**

- 4 1. The May 26, 2005, first amended complaint in Rodriguez v. West
5 Publishing Corp., Central District of California Case No. CV 05-3222
6 R (MCx), a true and correct copy of which is attached hereto as
7 **Exhibit 1.**
- 8 2. The September 10, 2007, order granting final approval of the class-
9 wide settlement in Rodriguez, a true and correct copy of which is
10 attached hereto as **Exhibit 2.**

11 **Park Documents**

- 12 3. The June 9, 2008, claim-filing declaration filed in Park v. Thompson
13 Corp., Southern District of New York Case No. 05 Civ. 2931 (WHP),
14 a true and correct copy of which is attached hereto as **Exhibit 3.**
- 15 4. The October 22, 2008, order granting final approval of the settlement
16 in Park, a true and correct copy of which is attached hereto as
17 **Exhibit 4.**

18 **Stetson Documents**

- 19 5. The February 11, 2009, reply brief filed with the Ninth Circuit in
20 Stetson v. West Publishing Corp. Appeal No. 08-55818, a true and
21 correct copy of which is attached hereto as **Exhibit 5.**
- 22 6. The October 9, 2009, order from the Ninth Circuit in Stetson referring
23 the appeal to the Ninth Circuit Mediation Office, a true and correct
24 copy of which is attached hereto as **Exhibit 6.**
- 25 7. The December 17, 2010, order from the Ninth Circuit in Stetson
26 remanding the action for settlement-approval purposes, a true and
27 correct copy of which is attached hereto as **Exhibit 7.**
- 28 8. The November 7, 2011, order from the Ninth Circuit in Stetson

1 resubmitting the appeal, a true and correct copy of which is attached
2 hereto as **Exhibit 8**.

- 3 9. The November 7, 2011, order of reversal from the Ninth Circuit in
4 Stetson, a true and correct copy of which is attached hereto as
5 **Exhibit 9**.

6 Rule 201 permits courts to take judicial notice of “‘matters of public record’” as
7 long as the facts are “not ‘subject to reasonable dispute.’” Intri-Plex Techs., Inc. v. Crest
8 Group, Inc., 499 F.3d 1048, 1052 (9th Cir. 2007) (quoting Lee v. City of Los Angeles,
9 250 F.3d 668, 689 (9th Cir. 2001)). See also Wheeler v. City of Oakland, 2006 U.S. Dist.
10 LEXIS 27680 at *14–16 (N.D. Cal. filed Apr. 28, 2006) (citing Lee, 250 F.3d at 689).
11 Court filings such as those listed above are the type of documents that are properly
12 noticed under Rule 201. See, e.g., Wallis v. Centennial Ins. Co., Inc., 2012 U.S. Dist.
13 LEXIS 159911 at *4–5 (E.D. Cal. filed Nov. 7, 2012) (taking judicial notice of “orders of
14 the Ninth Circuit Court of Appeals from the interlocutory appeal in this action”); Blake v.
15 Brazelton, 2012 U.S. Dist. LEXIS 153125 at *4 n.3 (C.D. Cal. filed Oct. 23, 2012)
16 (stating that a “[c]ourt is permitted to take judicial notice of orders, decisions, and
17 proceedings from other courts”); Retired Employees Ass’n of Orange County, Inc. v.
18 County of Orange, 2012 U.S. Dist. LEXIS 146637 at *12 (C.D. Cal. filed Aug. 13, 2012)
19 (stating that “courts can take judicial notice of pleadings and court orders that are matters
20 of public record”) (citing MGIC Indem. Corp. v. Weisman, 803 F.2d 500, 504 (9th Cir.
21 1986)).

22
23 DATED: March 18, 2013

HARRIS & RUBLE

24 /s/ David Zelenski

25 Alan Harris
26 David Zelenski
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