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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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13 **MICHAEL RICHARDSON,**

14 Plaintiff,

15 v.

16 **JEFFERSON SESSIONS, in his official
17 capacities; XAVIER BECERRA, in his
18 official capacities,**

19 Defendants.
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2:17-cv-1838 JAM AC PS

**DEFENDANT'S RESPONSE AND
OBJECTIONS TO PLAINTIFF'S
MOTION FOR JUDICIAL NOTICE**

Date: February 6, 2019
Time: 10:00 a.m.
Dept: 26
Judge: The Hon. Allison Claire
Trial Date: 9/16/19
Action Filed: 9/5/2017

1 Defendant Attorney General Xavier Becerra, in his official capacity as Attorney General of
2 the State of California, submits the following response and objections to Plaintiff's Motion for
3 Judicial Notice (RJN), ECF No. 41.

4 **Objection No. 1**

5 Material objected to: Requests for Judicial Notice Nos. 1-25.

6 Grounds for objection: Purported facts cannot "be accurately and readily determined from sources
7 whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b).

8 **Objection No. 2**

9 Material objected to: Requests for Judicial Notice Nos. 1-7, 9-11, 13, 14, 16-18.

10 Grounds for objection: A court may not take judicial notice of disputed facts contained within
11 public records. *In re Easysaver Rewards Litigation*, 737 F. Supp. 2d 1159, 1171 (S.D. Cal.
12 2010); *Lee v. City of Los Angeles*, 250 F.3d 668, 690 (9th Cir. 2001); *U.S. v. Southern Cal.*
13 *Edison Co.*, 300 F. Supp. 2d 964, 974 (E.D. Cal. 2004).

14 **Objection No. 3**

15 Material objected to: Requests for Judicial Notice Nos. 19-25.

16 Grounds for objection: Contents of news articles are not proper subjects of judicial notice. *Von*
17 *Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010).

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19 Dated: January 30, 2019

Respectfully submitted,

20 XAVIER BECERRA
21 Attorney General of California
22 ANTHONY R. HAKL
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23
24 /s/ Gabrielle D. Boutin
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