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VENTURA COUNTY SHERIFF'S OFFICE
7 (*erroneously sued as Ventura County Sheriffs*
Department)
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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 SIGITAS RAULINAITIS,

13 Plaintiff,

14 v.

15 VENTURA COUNTY SHERIFFS
DEPARTMENT,

16 Defendant.
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CASE NO. CV13-02605-MAN

**DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE IN CONJUNC-
TION WITH CONCURRENTLY
FILED MOTION FOR JUDGMENT
ON THE PLEADINGS OR, IN THE
ALTERNATIVE, FOR SUMMARY
JUDGMENT**

[Filed concurrently with motion for
judgment on the pleadings and proposed
order]

Date: March 11, 2014
Time: 10:00 a.m.
Ctm: 580 Roybal

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23 **I.**

24 **REQUEST FOR JUDICIAL NOTICE**

25 Defendant, VENTURA COUNTY SHERIFF'S OFFICE, in support of its
26 concurrently filed motion for judgment on the pleadings or, in the alternative, for
27 summary judgment, hereby requests the Court to judicially notice the following
28 items:

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- 2 1. Website docket entry 12, filed May 31, 2013, “Case Management Order”;
- 3 2. Website docket entry 15, filed on June 5, 2013, “Plaintiff’s Notice of
- 4 Lodging Original Declaration and Declaration of Sigitas Raulinaitis”;
- 5 3. Website docket entry 16, filed on June 14, 2013, “Defendant’s Responsive
- 6 Brief; Memorandum of Points and Authorities; Declaration of Daniel Gonzales and
- 7 Exhibits in Support Thereof” [Exhibits A and B on Court’s public website –
- 8 remaining Exhibits C through J filed under seal as corroborated by website docket
- 9 entry 21, as allowed by order of Court, website docket entry 19];
- 10 4. Website docket entry 28, filed on December 31, 2013, “Order by
- 11 Magistrate Judge Margaret A. Nagle Denying Motion for Summary Judgment.”

12 II.

13 ENABLING AUTHORITY

14 The Court may judicially notice a fact which is not subject to reasonable
 15 dispute because it can accurately and readily be determined from sources whose
 16 accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2). This power
 17 extends to the ability of federal courts hearing motions to take judicial notice even of
 18 state court dockets or pleadings which have been located on the Internet. *Porter v.*
 19 *Ollison*, 620 F.3d 952, 954 (9th Cir. 2010); *Smith v. Duncan*, 297 F.3d 809, 815 (9th
 20 Cir. 2002); *Dawson v. Mahoney*, 451 F.3d 550, 551, n.1 (9th Cir. 2006); *White v.*
 21 *Martel*, 601 F.3d 882, 885 (9th Cir. 2010); *United States ex rel. Robinson, etc., v.*
 22 *Borneo*, 971 F.2d 244, 248 (9th Cir. 1992) [“we may take notice of proceedings in
 23 other courts, both within and without the federal judicial system, if those proceedings
 24 have a direct relation to matters at issue”].

25 In *Trigueros v. Adams*, 658 F.3d 983 (9th Cir. 2011), the court stated:

26 Nonetheless, we may take judicial notice on appeal.

27 Fed.R.Evid. 201(f) (“Judicial notice may be taken at any
 28 stage of the proceeding.”); *see also United States v. Camp*,

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723 F.2d 741, 744 n. ** (9th Cir.1984). We retain discretion to take judicial notice of documents “not subject to reasonable dispute.” Fed.R.Evid. 201(b). In particular, we “may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.” *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir.1992); *see also Smith v. Duncan*, 297 F.3d 809, 815 (9th Cir.2002) (taking judicial notice of the “relevant state court documents, because those documents have a direct relationship to [petitioner’s habeas] appeal”), *abrogation on other grounds recognized by Moreno v. Harrison*, 245 Fed.Appx. 606 (9th Cir.2007).

Here, Trigueros submitted documents on appeal from the proceedings before the California courts that are “directly related” to the timeliness of his state habeas petitions.... Accordingly, we take judicial notice of these documents in determining whether Trigueros’s federal habeas petition was statutorily tolled.

658 F.3d at 987.

III.

ARGUMENT FOR JUDICIAL NOTICE

The parties’ factual submissions relating to the plaintiff’s summary judgment motion were thorough and extensive. Stipulated facts were approved by the Court. Plaintiff submitted a detailed declaration. Defendant submitted a detailed declaration of the investigating detective, Deputy Danny Gonzales, as well as ten exhibits corroborating all aspects of the investigation into plaintiff’s residency.

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1 In addition, the legal issues and arguments were thoroughly briefed. Based
 2 upon the extensive submissions of the parties, which were exhaustive, this Court
 3 prepared a 25-page decision regarding the dispositive issues in this litigation. In its
 4 comprehensive opinion denying plaintiff's summary judgment motion, this Court
 5 considered all aspects of the issues, statutes, appellate authorities, factual submissions
 6 by the parties, and stipulated facts.

7 From this compendium, it is apparent that plaintiff cannot prevail in this
 8 lawsuit. The accompanying memorandum of points and authorities in support of the
 9 motion for judgment on the pleadings or, in the alternative, for summary judgment
 10 utilized these facts, arguments, authorities, and especially the order denying the
 11 plaintiff's motion for summary judgment, to illustrate the plaintiff's inability to
 12 prevail in this litigation.

13 It is therefore respectfully requested that the Court judicially notice the
 14 pleadings on file in this action in order to grant defendant, Ventura County Sheriff's
 15 Office, judgment on the pleadings or, in the alternative, summary judgment and
 16 dismiss the action against it with prejudice.

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 18 DATED: January 30, 2014

WISOTSKY, PROCTER & SHYER

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 20 By:


 Jeffrey Feld

Attorneys for Defendant,

VENTURA COUNTY SHERIFF'S OFFICE