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14	UNITED STATES DISTRICT COURT		
15	NORTHERN DISTRICT OF CALIFORNIA		
16	SAN FRANCISCO DIVISION		
17			
18	TASH HEPTING, GREGORY HICKS,	No. C-06-0672-VRW	
10	CAROLYN JEWEL and ERIK KNUTZEN		
19	on Behalf of Themselves and All Others	REQUEST FOR JUDICIAL NOTICE	
20	Similarly Situated,	IN SUPPORT OF MOTION OF	
20	D1-1-4100	DEFENDANT AT&T INC. TO	
21	Plaintiffs,	DISMISS	
21	770	Frad D. Fraid 2011	
22	VS.	[Fed. R. Evid. 201]	
22	AT&T CORP., AT&T INC. and DOES 1-20,	Date: June 23, 2006	
23	inclusive,	Date: June 23, 2006 Time: 9:30 a.m.	
23	merusive,	Courtroom: 6, 17th Floor	
24	Defendants.	Judge: Hon. Vaughn R. Walker	
	Dorondanto.	range. 11011. Vaugini ic. Warker	
25		Filed concurrently:	
		1. AT&T Inc.'s Reply in Support of	
26		Motion to Dismiss	
		2. Reply Decl. of Starlene Meyerkord	
27		3. Reply Decl. of Joseph Tocco	
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REQUEST FOR JUDICIAL NOTICE

2 Defendant AT&T INC. hereby requests that the Court take judicial notice of the

3 following documents attached as Exhibits A. This request is made pursuant to Rule 201 of

4 the Federal Rules of Evidence and the authorities cited below. This request is made in

5 connection with AT&T Inc.'s Motion to Dismiss the Amended Complaint for Damages,

6 Declaratory and Injunctive Relief filed by plaintiffs Tash Hepting, Gregory Hicks, Carolyn

7 Jewel and Erik Knutzen (Dkt. 8).

Exhibit	Description
A	Notice of Motion and Motion to Quash Service of Summons by
	Specially Appearing Defendant SBC Communications Inc. (and
'	accompanying Memorandum of Points and Authorities, [Proposed]
	Order and Declaration of Starlene Meyerkord), dated May 27, 2003, in
	RLH Industries, Inc. v. SBC Communications, Inc., et al., Case No. 02
	CC 16869 (California Superior Court, Orange County).
	CC 10003 (Camornia Superior Court, Orange County).

BASIS FOR REQUESTING JUDICIAL NOTICE

On a motion to dismiss, a court may take judicial notice of matters of public record in accordance with Federal Rule of Evidence 201 without converting the motion to dismiss to a motion for summary judgment. Lee v. City of Los Angeles, 250 F.3d 668, 688-689 (9th Cir. 2001) (citing Mack v. South Bay Beer Distributors, Inc., 798 F.2d 1279, 1282 (9th Cir. 1986)). Courts may take judicial notice of documents outside of the complaint that are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(d); Wietschner v. Monterey Pasta Co., 294 F. Supp. 2d 1102, 1109 (N.D. Cal. 2003). Courts can take judicial notice of such matters when considering a motion to dismiss. Wietschner, 294 F. Supp. 2d at 1109; MGIC Indem. Corp. v. Weisman, 803 F. 2d 500, 504 (9th Cir. 1986).

Courts may take judicial notice of proceedings in other courts. U.S. ex rel Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992) (citing St. Louis Baptist Temple, Inc. v. FDIC, 605 F.2d 1169 (10th Cir. 1979)) ("[W]e 'may take notice of proceedings in other courts, both within and without the federal judicial system, if

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1	those proceedings have a direct relation to matters at issue.""). Exhibit A is a motion to			
2	quash filed in the Superior Court of California for the County of Orange. The contents of			
3	Exhibit A are public records that are "not sub	Exhibit A are public records that are "not subject to reasonable dispute [and] capable of		
4	accurate and ready determination by resort to	accurate and ready determination by resort to sources whose accuracy cannot reasonably be		
5	questioned." Fed. R. Evid. 201(b)(2). This exhibit reflects the proceedings in another court			
6	and is appropriate for judicial notice, as set forth in U.S. ex rel Robinson Rancheria Citizens			
7	Council. It is being offered solely to show that SBC Communications Inc. did not consent			
8	to personal jurisdiction in the RLH Industries case, contrary to plaintiffs' argument.			
9	For the foregoing reasons, Exhibit A may properly be considered by the Court in			
10	ruling on AT&T Inc.'s motion to dismiss.			
11	Dated: June 16, 2006.			
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22	Ву_	/s/ Bruce A. Ericson Bruce A. Ericson		
23		Attorneys for Defendants AT&T CORP. and AT&T INC.		
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