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13 AT&T CORP. and AT&T INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17
18 TASH HEPTING, GREGORY HICKS,
CAROLYN JEWEL and ERIK KNUTZEN
19 on Behalf of Themselves and All Others
Similarly Situated,

20 Plaintiffs,

21 vs.

22 AT&T CORP., AT&T INC. and DOES 1-20,
23 inclusive,

24 Defendants.

No. C-06-0672-VRW

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF MOTION OF
DEFENDANT AT&T INC. TO
DISMISS**

[Fed. R. Evid. 201]

Date: June 23, 2006
Time: 9:30 a.m.
Courtroom: 6, 17th Floor
Judge: Hon. Vaughn R. Walker

- Filed concurrently:
1. AT&T Inc.'s Reply in Support of Motion to Dismiss
 2. Reply Decl. of Starlene Meyerkord
 3. Reply Decl. of Joseph Tocco

REQUEST FOR JUDICIAL NOTICE

Defendant **AT&T INC.** hereby requests that the Court take judicial notice of the following documents attached as Exhibits A. This request is made pursuant to Rule 201 of the Federal Rules of Evidence and the authorities cited below. This request is made in connection with AT&T Inc.'s Motion to Dismiss the Amended Complaint for Damages, Declaratory and Injunctive Relief filed by plaintiffs Tash Hepting, Gregory Hicks, Carolyn 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 <i>RLH Industries, Inc. v. SBC Communications, Inc., et al.</i> , Case No. 02 CC 16869 (California 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

