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7 Attorneys for Defendants,
8 EDWARD Z. BINE-STOCK,
9 INDIVIDUALLY, E & E STEEL
10 TRADING and THE E & E GROUP, LLC

11 **THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND, CALIFORNIA DIVISION**

<p>11 THIRU J. IMMANUEL AND IMMANUEL) 12 METAL CORPORATION,) 13) 14) 15) 16) 17)</p>	<p>Case No. C 07 3402 CW</p> <p>REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS' MOTION FOR AWARD OF ATTORNEYS FEES AND COSTS; DECLARATION OF DEFENDANTS' COUNSEL IN SUPPORT THEREOF</p> <hr/> <p>DATE: March 27, 2008 TIME: 2:00 p.m. CTRM: 2 - 4th Floor JUDGE: Hon. Claudia Wilken</p>
<p>13 Plaintiffs,</p> <p>14 vs.</p> <p>15 EDWARD Z. BINE-STOCK, 16 INDIVIDUALLY, E & E STEEL 17 TRADING, and E & E GROUP, LLC,</p> <p style="text-align: center;">Defendants.</p>	

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19 TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that Defendants EDWARD Z. BINE-STOCK, E&E STEEL

21 TRADING and E&E GROUP, LLC hereby request, pursuant to Federal Rules of Evidence, Rule

22 201, that at the time of the hearing on Defendants' Motion for Award of Attorneys Fees and Costs

23 after entry of judgment in this action, the court take Judicial Notice of the following:

24 1. Plaintiffs' Complaint filed in this action on June 28, 2007.

25 Authority: FRE 201; Asdar Group v Pillsbury, Madison & Sutro, 99 F.3d 289, 290

26 (9th Cir. 1996) (judicial notice of pleadings filed in same case proper).

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- 1 2. Defendants' Petition filed in this action on October 25, 2007.
- 2 Authority: FRE 201; Asdar Group v Pillsbury, Madison & Sutro, 99 F.3d 289, 290
- 3 (9th Cir. 1996) (judicial notice of pleadings filed in same case proper).
- 4 3. Declaration of Defendant Edward Z. Bine-Stock in support of Petition filed in this
- 5 action on October 25, 2007.
- 6 Authority: FRE 201; Kinnett Dariies, Inc. v Farrow, 580 F.2d 1260, 1277 (5th Cir.
- 7 1978) (judicial notice of pleadings and papers in Court's own file held proper).
- 8 4. Plaintiff's Response to Petition filed in this action on December 10, 2007.
- 9 Authority: FRE 201; Kinnett Dariies, Inc. v Farrow, 580 F.2d 1260, 1277 (5th Cir.
- 10 1978) (judicial notice of pleadings and papers in Court's own file held proper).
- 11 5. Judgment of Dismissal filed in this action on January 24, 2008.
- 12 Authority: FRE 201; Asdar Group v Pillsbury, Madison & Sutro, 99 F.3d 289, 290
- 13 n.1 (9th Cir. 1996) (judicial notice of orders filed in same case proper)

14 DATED: February 7, 2008

LAW OFFICES OF LOUIS SPITTERS

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 16 /s/ Louis Spitters
 17 LOUIS SPITTERS
 18 Attorney for Defendants,
 EDWARD Z. BINE-STOCK,
 INDIVIDUALLY, E & E STEEL TRADING,
 and THE E & E GROUP, LLC

19 DECLARATION OF COUNSEL IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE

20 I, LOUIS SPITTERS, declare:

- 21 1. I am an attorney at law licensed to practice before all courts of the State of
- 22 California, all Federal District Courts located in California, and the Ninth Circuit Court of
- 23 Appeals. I am attorney for Defendants EDWARD Z. BINE-STOCK, E & E STEEL TRADING,
- 24 and THE E & E GROUP, LLC in this action. I have personal knowledge of the matters set forth
- 25 herein. If called to testify I could and would competently testify as to the truth of the facts stated
- 26 herein.
- 27 2. Attached hereto, incorporated by reference herein, and marked as Exhibit "A" is a
- 28 true and accurate copy of Plaintiffs' Complaint filed in this action on June 28, 2007.

