ĺ	Case 4:07-cv-03402-CW Document 59 Filed 02/07/2008 Page 1 of 3
1 2 3 4 5 6 7 8 9	 #1407 LOUIS SPITTERS - SBN 112064 LAW OFFICES OF LOUIS SPITTERS 96 North Third Street, Suite 500 San Jose, California 95112 (408) 293-0463 Attorneys for Defendants, EDWARD Z. BINE-STOCK, INDIVIDUALLY, E & E STEEL TRADING and THE E & E GROUP, LLC THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA OAKLAND, CALIFORNIA DIVISION
10	UARLAND, CALIFORNIA DIVISION
11	THIRU J. IMMANUEL AND IMMANUEL) Case No. C 07 3402 CW
12	METAL CORPORATION,) REQUEST FOR JUDICIAL NOTICE IN Plaintiffs,) SUPPORT OF DEFENDANTS' MOTION
13	vs. () SUPPORT OF DEFENDANTS MOTION () FOR AWARD OF ATTORNEYS FEES () AND COSTS; DECLARATION OF
14	 DEFENDANTS' COUNSEL IN SUPPORT EDWARD Z. BINE-STOCK, THEREOF
15	INDIVIDUALLY, E & E STEEL)TRADING, and E & E GROUP, LLC,)DATE:March 27, 2008
16 17	Defendants.) TIME: 2:00 p.m.) CTRM: 2 - 4 th Floor) JUDGE: Hon. Claudia Wilken
17) JUDGE. Holl. Claudia wilken
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 (9 th Cir. 1996) (judicial notice of orders filed in same case proper)		
14	DATED: Febr	ruary 7, 2008 LAW OFFICES OF LOUIS SPITTERS		
15		/s/ Louis Spitters		
16		LOUIS SPITTERS Attorney for Defendants,		
17		EDWARD Z. BINE-STOCK, INDIVIDUALLY, E & E STEEL TRADING,		
18		and THE E & E GROUP, LLC		
19	DECLAR	ATION OF COUNSEL IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE		
20	I, LOU	JIS 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 an	n 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 call	ed 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.			
	REQUEST FOI	R JUDICIAL NOTICE IN SUPPORT OF MOTION FOR ATTORNEYS FEES PAGE 2		

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1	3. Attached hereto, incorporated by reference herein, and marked as Exhibit "B" is a
2	true and accurate copy of Defendants' Petition filed in this action on October 25, 2007.
3	4. Attached hereto, incorporated by reference herein, and marked as Exhibit "C" is a
4	true and accurate copy of Declaration of Defendant Edward Z. Bine-Stock in support of Petition
5	filed in this action on October 25, 2007.
6	5. Attached hereto, incorporated by reference herein, and marked as Exhibit "D" is a
7	true and accurate copy of Plaintiff's Response to Petition filed in this action on December 10,
8	2007.
9	6. Attached hereto, incorporated by reference herein, and marked as Exhibit "E" is a
10	true and accurate copy of Judgment of Dismissal filed in this action on January 24, 2008, attached
11	to the Notice of Entry of Judgment that was filed and served on January 25, 2008.
12	I declare under penalty of perjury under the laws of the United States that the foregoing is
13	true and correct and that this declaration is executed on February 7, 2008 at San Jose, California.
14	/s/ Louis Spitters
15	LOUIS SPITTERS
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