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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

SUSAN LATTA and TRACI EHLERS, *et al.*,

Plaintiffs,

v.

C.L. "BUTCH" OTTER, as Governor of the  
State of Idaho, in his official capacity, *et al.*,

Defendants,

and

STATE OF IDAHO,

Defendant-Intervenor.

Case No. 1:13-cv-00482-CWD

**PLAINTIFFS' REQUEST  
FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION  
FOR SUMMARY  
JUDGMENT AND IN  
OPPOSITION TO  
MOTIONS TO DISMISS OF  
DEFENDANTS  
CHRISTOPHER RICH AND  
STATE OF IDAHO**

**REQUEST FOR JUDICIAL NOTICE**

Pursuant to Federal Rule of Evidence (“Rule”) 201 and supporting case law, Plaintiffs respectfully request that the Court take judicial notice of the following documents attached to the accompanying Declaration of Shannon P. Minter as Exhibits A through H:

**Exhibit A:** Idaho House Bill 658, Chapter 331, Session Law 1996 (House Judiciary, Rules & Administration Committee, Feb. 2, 1996 Minutes).

**Exhibit B:** Idaho House Joint Resolution No. 2, Session Law 2006, p. 1359, ratified Nov. 7, 2006 (Senate State Affairs Committee, Jan. 28, 2005 Minutes).

**Exhibit C:** Idaho House Joint Resolution No. 2, Session Law 2006, p. 1359, ratified Nov. 7, 2006 (House State Affairs Committee, Feb. 2, 2006 Minutes).

**Exhibit D:** Idaho House Joint Resolution No. 2, Session Law 2006, p. 1359, ratified Nov. 7, 2006 (Statement of Purpose RS15639).

**Exhibit E:** Idaho House Joint Resolution No. 2, Session Law 2006, p. 1359, ratified Nov. 7, 2006 (Attorney General Opinion No. 06-1).

**Exhibit F:** Idaho House Joint Resolution No. 9 of 2004, 57th Legislature, Second Regular Session, failed (House Judiciary, Rules & Administration Committee, Feb. 5, 2004 Minutes).

**Exhibit G:** Idaho Attorney General Opinion No. 93-11.

**Exhibit H:** November 7, 1994 Voter Pamphlet.

Rule 201 authorizes federal courts to take judicial notice of a fact that is “not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Where “a party requests [judicial notice] and the court is supplied with the necessary information,” the court “must” take judicial notice. Fed. R.

Evid. 201(c)(2). “The court may take judicial notice at any stage of the proceeding.” Fed. R. Evid. 201(d).

Exhibits A through F, attached to the accompanying Declaration of Shannon P. Minter are excerpts of the legislative history for Idaho House Bill 658, Chapter 331, Session Law 1996; Idaho House Joint Resolution No. 2, Session Law 2006, p. 1359, ratified Nov. 7, 2006, and; Idaho House Joint Resolution No. 9 of 2004, 57th Legislature, Second Regular Session, failed. It is well-settled that legislative history of a state law is a proper subject of judicial notice in federal court. *See Territory of Alaska v. American Can Company*, 358 U.S. 224, 226-227 (1959); *Chaker v. Crogan*, 428 F.3d 1215, 1223 n.8 (9th Cir. 2005) (granting request to take judicial notice of legislative history of state statute). Exhibit H is an official ballot pamphlet from the November 7, 1994 election. Exhibits E and G are Idaho Attorney General Opinions, which are also independently judicially noticeable. *See Central Delta Water Agency v. U.S. Fish and Wildlife Service*, 653 F.Supp.2d 1066, 1079 (E.D. Cal. 2009).

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Plaintiffs respectfully request that pursuant to Rule 201, the Court take judicial notice of these documents.

DATED: February 18, 2014

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Shannon P. Minter

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 18th day of February, 2014, I filed the foregoing document electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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\_\_\_\_\_/s/\_\_\_\_\_  
Shannon P. Minter