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18 and DAVID LINDBERG

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 JEANNE E. CALDWELL,
22
23 Plaintiff,

24 v.

25 ROY L. CALDWELL, Ph.D., in his official
26 capacity as Director of the University of
27 California Museum of Paleontology; DAVID
28 LINDBERG, in his official capacity as Chair
of the Integrative Biology Department of the
University of California-Berkeley; and
MICHAEL D. PIBURN, in his official
capacity as Program Director for the National
Science Foundation,

Defendants.

Case No.: C05-04166

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANTS' ROY L.
CALDWELL, Ph.D., AND DAVID
LINDBERG'S MOTION TO DISMISS**

[Fed. R. Evid. 201]

Date: January 25, 2006

Time: 9:00 a.m.

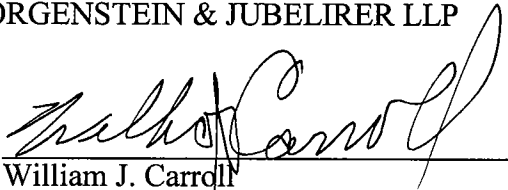
Judge: Hon. Phyllis J. Hamilton

Pursuant to Federal Rule of Evidence 201, defendants Roy L. Caldwell, Ph.D., and David
Lindberg hereby request that the Court take judicial notice of the UC Berkeley Museum of
Paleontology website, <http://www.ucmp.berkeley.edu/museum/museum.php>, including that
portion of the site entitled "Understanding Evolution." <http://evolution.berkeley.edu/>.

1 The Court may take judicial notice of a website maintained publicly on the World Wide
2 Web, the contents of which are readily ascertainable and widely disseminated. Fed. R. Evid.
3 201(b). See e.g. *Wible v. Aetna Life Ins. Co.*, 375 F. Supp. 2d 956, 965 (C.D. Cal. 2005) (taking
4 judicial notice of Amazon.com web pages and pages of the website of the American Academy of
5 Allergy Asthma & Immunology); *Hendrickson v. EBay, Inc.*, 165 F. Supp. 2d 1082, 1084 (C.D.
6 Cal. 2001) (taking judicial notice of EBay.com website). Because the contents of the Museum's
7 website are publicly available and widely disseminated on the World Wide Web, judicial notice is
8 proper.

9
10 DATED: December 19, 2005

MORGENSTEIN & JUBELIRER LLP

By 

William J. Carroll
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