

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DENNIS MONTGOMERY and the
MONTGOMERY FAMILY TRUST,

Plaintiffs,

v.

ETREPPID TECHNOLOGIES, LLC;
WARREN TREPP; and the UNITED
STATES DEPARTMENT OF DEFENSE,

Defendants.

AND ALL RELATED MATTERS.

3:06-CV-00056-PMP-VPC
BASE FILE

3:06-CV-00145-PMP-VPC

ORDER

Having read and considered the following requests for judicial notice, the Court denies the motions because the items which the parties request the Court take judicial notice are outside the scope of Federal Rule of Evidence 201. The Court may take judicial notice of a fact “not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). The parties do not request the Court to take judicial notice of the fact that a certain document was filed in this Court. Rather, the parties request the Court consider the filings as evidence. The parties either should attach as an exhibit any evidence they wish the Court to consider, or, if the evidence is already in the record, they may cite to the evidence by case number, document name, docket number, exhibit number, and page number so the Court

1 easily may locate the referenced evidence.

2 Additionally, the Court's review of the case file uncovered exhibits containing a
3 social security number that should be filed under seal pursuant to the E-Government Act of
4 2002, Pub. L. 107-347, 116 Stat. 2899 (2002). The Court therefore will order the Clerk of
5 the Court to file those exhibits under seal. Additionally, the Court will order the United
6 States Department of Defense to file a redacted copy of the exhibits with the social security
7 numbers deleted. The Court admonishes the parties to comply with Special Order 108 and
8 the E-Government Act of 2002 regarding redaction of personal data identifiers from
9 documents filed with the Court.

10 IT IS THEREFORE ORDERED that Plaintiffs' First Request for Judicial Notice
11 (3:06-CV-00056-PMP-VPC, Doc. #72) is hereby DENIED.

12 IT IS FURTHER ORDERED that Plaintiffs' Request for Judicial Notice in
13 Support of Their Opposition to Motion to Dismiss Complaint and in the Alternative to
14 Strike Each and Every Cause of Action (3:06-CV-00056-PMP-VPC, Doc. #86) is hereby
15 DENIED.

16 IT IS FURTHER ORDERED that Defendant eTreppid's Request for Judicial
17 Notice (3:06-CV-00056-PMP-VPC, Doc. #104) is hereby DENIED.

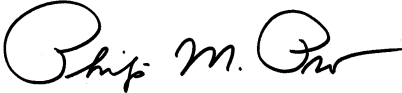
18 IT IS FURTHER ORDERED that The Montgomerys' Request for Judicial Notice
19 in Support of Their Response to the Nevada Democratic Party's Motion to Unseal (3:06-
20 CV-00056-PMP-VPC, Doc. #106) is hereby DENIED.

21 IT IS FURTHER ORDERED that the Clerk of the Court shall seal the following
22 exhibits which contain a social security number:

- 23 • Exhibit 1 to Doc. #56 in 3:06-CV-00056-PMP-VPC
- 24 • Exhibit 2 to Doc. #83 in 3:06-CV-00056-PMP-VPC
- 25 • Exhibit 1 to Doc. #39 in 3:06-CV-00145-PMP-VPC
- 26 • Exhibit 2 to Doc. #51 in 3:06-CV-00145-PMP-VPC

1 IT IS FURTHER ORDERED that the United States Department of Defense shall
2 file redacted copies of the above exhibits with the social security numbers contained therein
3 deleted on or before April 3, 2007.

4
5 DATED: March 19, 2007

6 
7

8 PHILIP M. PRO
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26