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18 UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT  
19 OF CALIFORNIA – WESTERN DIVISION

20 AMERICA UNITES FOR KIDS, et al.,  
21 Plaintiffs,  
22 v.  
23 SANDRA LYON, et al.,  
24 Defendants.

CASE NO. 2:15-cv-02124-PA-AJW

**PLAINTIFFS’ OBJECTION TO  
DEFENDANTS’ REQUEST FOR  
JUDICIAL NOTICE**

Hearing Date: June 8, 2015  
Hearing Time: 1:30 p.m.  
Judge: Hon. Percy Anderson  
Courtroom: 15

Complaint filed: March 23, 2015

1 In connection with their Amended Motion to Dismiss, or, In the Alternative,  
 2 Stay, Defendants have requested that the Court take judicial notice of certain  
 3 documents. (Dkt. 43) Plaintiffs object to Defendants’ request to the extent that  
 4 Defendants are asking the Court to judicially notice the truth of the statements  
 5 contained in such documents, including statements concerning the alleged reliability  
 6 of EPA’s PCB air-concentration guidelines or the alleged efficacy of Best  
 7 Management Practices in dealing with PCB contamination at the School. Plaintiffs  
 8 dispute the accuracy of any such statements.<sup>1</sup> See, e.g., *Anspark v. City of*  
 9 *Philadelphia*, 503 F.3d 256, 273 n. 11 (3d Cir. 2007) (taking judicial notice of FDA  
 10 announcements concerning safety and effectiveness of contraceptives “not for the  
 11 truth of its contents, but rather as evidence of the information provided to healthcare  
 12 providers....”); *Wilson v. Amneal Pharms, L.L.C.*, 2013 U.S. Dist. LEXIS 181953,  
 13 at \*13 (D. Idaho 2013) (cited by Defendants) (“it is appropriate to take judicial  
 14 notice of information if it is made publicly available by government entities on the  
 15 website and neither party disputes . . . the accuracy of the information . . .”).

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Dated: May 18, 2015

Respectfully submitted,  
 NAGLER & ASSOCIATES  
 By:   
 Charles Avrith  
*Attorneys for Plaintiffs America Unites for  
 Kids and Public Employees for  
 Environmental Responsibility*

Dated: May 18, 2015

PAULA DINERSTEIN  
  
*Attorneys for Plaintiff Public Employees for  
 Environmental Responsibility*

27 <sup>1</sup> See, e.g., Plaintiffs’ First Amended Complaint (Dkt. 12), at ¶¶ 27-29, 86-89, and  
 28 92-95.