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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**KELSEY CASCADIA ROSE JULIANA;  
XIUHTEZCATL TONATIUH M.**, through  
his Guardian Tamara Roske-Martinez; et al.,

Plaintiffs,

v.

**The UNITED STATES OF AMERICA**; et  
al.,

Defendants.

Case No.: 6:15-cv-01517-AA

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' MOTION FOR JUDICIAL  
NOTICE OF CONGRESSIONAL HEARING  
REPORTS**

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION  
FOR JUDICIAL NOTICE OF CONGRESSIONAL HEARING REPORTS**

Plaintiffs respectfully submit this response to Defendants' Motion for Judicial Notice of Congressional Hearing Reports. Doc. 375. Plaintiffs do not oppose Defendants' Motion, but do not accept any of the statements characterizing or purporting to summarize the contents of these documents in Defendants' Motion as true. Plaintiffs reserve all objections they have asserted, and will assert at trial, to the admissibility of these documents. Doc. 400. Plaintiffs non-opposition to Defendants' motion is contingent upon Defendants' statement that "Defendants do not request that the Court take judicial notice of the truth of any statements contained in the hearings." Mot. at 3.

As Plaintiffs have likewise set forth in their Motions *in Limine* Seeking Judicial Notice, *see, e.g.*, Doc. 331 at 8–9; Doc. 336 at 7; Doc. 380 at 5–6, records of congressional testimony are "matters of public record" that are frequent and appropriate records for judicial notice "not subject to reasonable dispute." Fed. R. Evid. 201; *see, e.g., United States v. Choate*, 576 F.2d 165, 207–08 (9th Cir. 1978); *Greeson v. Imperial Irr. Dist.*, 59 F.2d 529, 531 (9th Cir. 1932); *Oregon State Bar Prof'l Liab. Fund v. U.S. Dep't of Health & Human Servs.*, No. 03:10-CV-1392-HZ, 2012 WL 1071127, at \*3 (D. Or. Mar. 29, 2012). Consequently, Plaintiffs do not oppose this Court taking judicial notice of the congressional hearings submitted by Defendants.

Plaintiffs expressly reserve the right to object to the admissibility of any of these documents on other grounds. In not opposing that the Court take judicial notice of the authenticity of these documents, Plaintiffs do not waive any objections as to admissibility already lodged against these documents as set forth in Plaintiffs' Objections to Defendants' Exhibit List. Doc. 400.

Respectfully submitted this 2nd day of November,  
2018,

/s/ Julia A. Olson

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