

**BEFORE THE
UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

IN RE: WELLS FARGO PAYCHECK
PROTECTION PROGRAM LITIGATION

MDL No. 2954

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF KAREN'S
CUSTOM GROOMING LLC'S OPPOSITION TO DNM CONTRACTING, INC.'S
MOTION FOR TRANSFER OF ACTIONS TO THE SOUTHERN DISTRICT OF TEXAS
PURSUANT TO 28 U.S.C. §1407 FOR COORDINATED OR CONSOLIDATED
PRETRIAL PROCEEDINGS**

Pursuant to Federal Rule 201 of the Federal Rules of Evidence, the undersigned counsel of record for Plaintiff Karen's Custom Grooming LLC ("KCG"), respectfully submits this request for judicial notice in support of KCG's opposition to DNM Contracting, Inc.'s motion for transfer of actions to the Southern District of Texas pursuant to 28 U.S.C. §1407 for coordinated or consolidated pretrial proceedings (the "DNM Motion").

Plaintiff KCG respectfully requests the court take judicial notice of the following document(s) in the following files of the Southern District of California and in the Northern District of California:

1. Joint Motion to Extend Time for Defendants to Respond to Complaint, filed June 16, 2020 in *Karen's Custom Grooming LLC v. Wells Fargo & Company, et al.*, Case No. 3:20-cv-00956-LAB-BGS (S.D. Cal.) (the "*KCG Action*").
2. Joint Motion to Extend Time for Defendants to Respond to Complaint, filed June 22, 2020 in the *KCG Action*.
3. Stipulation to Transfer Venue Pursuant to 28 U.S.C. §1404(a); Order, filed

on or about July 21, 2015 in *Maldonado v. Wells Fargo Bank, N.A.*, Case No. 3:15-cv-02333-CRB (N. D. Cal.) (the “*Maldonado Action*”).

4. Defendant Wells Fargo Bank, N.A.’s Notice of Motion and Motion to Transfer Pursuant to 28 U.S.C. §1404(a), filed on or about July 2, 2015 in the *Maldonado Action*.

Pursuant to Rule 201, the Federal Rules of Evidence permit the Court to consider 'facts that may be judicially noticed,' that is, facts that are either "generally known within the trial court's territorial jurisdiction," or which "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(1) & (2). This rule is founded on the assumption that when certain facts are outside of the realm of reasonable controversy, it is not necessary to establish such facts by testimony and through the introduction of physical evidence.

The documents subject to Plaintiff’s request for judicial notice, Exhibits 1 – 4, identified above, and attached to the concurrently filed Declaration of Kathleen A. Herkenhoff in support of the opposition to the DNM Motion, are documents on file with the Southern District of California and the Northern District of California, respectively, in the actions entitled: *Karen’s Custom Grooming LLC v. Wells Fargo & Company, et al.*, Case No. 3:20-cv-00956-LAB-BGS (S.D. Cal.); and *Maldonado v. Wells Fargo Bank, N.A.*, Case No. 3:15-cv-02333-CRB (N.D. Cal.) (the “*Maldonado Action*”). Request for judicial notice is appropriate since the documents are public records and their accuracy cannot be reasonably questioned. *See Anderson v. Loudon, LLC*, No. C 13-04159 WHA, 2013 U.S. Dist. LEXIS 172905 at *11-12 (N.D. Cal. Dec. 6, 2013).

Therefore, it is appropriate for this Court to take notice of the pleadings filed in the *KCG Action* by Plaintiff and Defendants, and pleadings filed by Defendant Wells Fargo Bank, N.A. in the *Maldonado Action*, which was originally pending in the Northern District of California, but which Defendant Wells Fargo Bank., N.A. moved (and later stipulated) to transfer to the Southern District of California.

Respectfully submitted,

Dated: June 24, 2020

HAEGGQUIST & ECK, LLP
ALREEN HAEGGQUIST
KATHLEEN A. HERKENHOFF
IAN PIKE

By: s/ Kathleen A. Herkenhoff
KATHLEEN A. HERKENHOFF

225 Broadway, Suite 2050
San Diego, California 92101
Telephone: (619) 342-8000
Facsimile: (619) 342-7878

alreenh@haelaw.com
kathleenh@haelaw.com
ianp@haelaw.com

Attorneys for Plaintiff Karen's Custom Grooming
LLC