ĺ	Case 5:07-cv-03783-JF Document 41-2 F	Filed 07/03/2008 Page 1 of 4
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7	UNIVERSAL MUSIC CORP., UNIVERSAL MUSIC PUBLISHING, INC.,	
8	and UNIVERSAL MUSIC PUBLISHING GROUP	
9	UNITED STATES D	ISTRICT COURT
10	NORTHERN DISTRIC	
11		
12	STEPHANIE LENZ,	CASE NO. CV 07-03783
13	Plaintiff,	SUPPLEMENTAL REQUEST FOR
14	VS.	JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS' MOTION TO
15	UNIVERSAL MUSIC CORP., UNIVERSAL	DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT
16	MUSIC PUBLISHING, INC., and UNIVERSAL MUSIC PUBLISHING GROUP,	[Reply in Support of Defendants'
17	Defendants.	Motion to Dismiss Plaintiff's Second Amended Complaint filed concurrently
18 19		herewith]
19 20		DATE: July 18, 2008
20 21		TIME: 9:00 a.m. CTRM: 3 (Honorable Jeremy Fogel)
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28		
	5417854.1	SUPP. REQUEST FOR JUDICIAL NOTICE CASE NO. CV 07-03783

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## **REQUEST FOR JUDICIAL NOTICE**

1	REQUEST FOR JUDICIAL NOTICE		
2	Defendants Universal Music Corp., Universal Music Publishing, Inc. and Universal Music		
3	Publishing Group ("Universal") respectfully request that the Court take judicial notice of an April		
4	17, 2007 letter from Viacom Deputy General Counsel Mark C. Morril to Fred von Lohmann of		
5	the Electronic Frontier Foundation, available at http://www.eff.org/cases/moveon-brave-new-		
6	films-v-viacom. A printout of the letter is attached as Exhibit A to this request. The letter is		
7	judicially noticeable under Federal Rule of Evidence 201, because it is "not subject to reasonable		
8	dispute in that it is capable of accurate and ready determination by resort to sources whose		
9	accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). The Court may take judicial		
10	notice of this matter without converting Universal's motion to dismiss into a motion for summary		
11	judgment. Mullis v. United States Bankruptcy Court, 828 F.2d 1385, 1388 (9th Cir. 1987); Intri-		
12	Plex Technologies, Inc. v. Crest Group, Inc., 499 F.3d 1048, 1052 (9th Cir. 2007).		
13	3 DATED: July 3, 2008 MUNGER, TOLLES & OLSON LLP		
14	4		
15	5 By: /s/ Kelly M. Klaus KELLY M. KLAUS		
16	6		
17	7 Attorneys for Defendants UNIVERSAL MUSIC CORP., UNIVERSAL MUSIC PUBLISHING, INC.,		
18	8 and UNIVERSAL MUSIC PUBLISHING GI	ROUP	
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28		NOTICE	
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## EXHIBIT A

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BET Networks > Famous Music > MTV Networks > Paramount Pictures

Mark C. Morril Senior Vice President Deputy General Counsel

April 17, 2007

Fred von Lohmann, Esq. Electronic Frontier Foundation 454 Shotwell Street San Francisco CA 94110 fred@eff.org Facsimile: (415) 436-9993

Dear Fred:

Further to our earlier correspondence and conversations, I wanted to let you know that in addition to the language described in Mike Fricklas' letter of April 11, Viacom expects to add the following language to the area of its corporate website addressing fair use:

"Regardless of the law of fair use, we have not generally challenged users of Viacom copyrighted material where the use or copy is occasional and is a creative, newsworthy or transformative use of a limited excerpt for non commercial purposes."

Again, thanks for your thoughtful input.

Best regards.

Sincerely,

100

Mark C. Morril