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FILED

Superior Court of California,
County of San Francisco

12/06/2022
Clerk of the Court
BY: JUDITH NUNEZ

Deputy Clerk

13
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF SAN FRANCISCO

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiff,

19 v.

20 AMAZON.COM, INC.,

21 Defendant.

CASE NO. CGC-22-601826

**DEFENDANT AMAZON.COM, INC.,’S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ITS DEMURRER**

Complaint Filed: September 15, 2022

Department: 304
Judge: Hon. Ethan P. Schulman

1 Pursuant to California Evidence Code, section 452, Defendant Amazon.com, Inc.
2 (“Amazon”) requests that the Court take judicial notice of the following documents, which are
3 attached to the Declaration of Jeffrey M. Davidson, in support of Amazon’s concurrently filed
4 demurrer:

- 5 • **Exhibit 1:** Article published by Axios titled “Amazon to end price practice critics
6 said could violate antitrust law.” This article is available at:
7 <https://www.axios.com/2019/03/11/amazon-price-practice-antitrust-elizabeth-warren>.
- 8 • **Exhibit 2:** Article published by the Financial Times titled “Amazon eases price
9 restrictions on third-party vendors.” This article is available at:
10 <https://www.ft.com/content/3beea4a6-445b-11e9-b168-96a37d002cd3>.
- 11 • **Exhibit 3:** Article published by TechCrunch titled “Amazon reportedly nixes its
12 price parity requirement for third-party sellers in the US.” This article is available at:
13 [https://techcrunch.com/2019/03/11/amazon-reportedly-nixes-its-price-parity-
14 requirement-for-third-party-sellers-in-the-u-s/](https://techcrunch.com/2019/03/11/amazon-reportedly-nixes-its-price-parity-requirement-for-third-party-sellers-in-the-u-s/).

15 Amazon seeks judicial notice of these articles not for the truth of their content, but for the
16 fact that they were published. Under Evidence Code, section 452(h), the Court may take judicial
17 notice of “[f]acts and propositions that are not reasonably subject to dispute and are capable of
18 immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”
19 (Evid. Code, § 452(h); *see also Pereda v. Atos Jiu Jitsu LLC* (Nov. 23, 2022) -- Cal.App.5th --,
20 2022 WL 17174558, *1 fn. 1 [judicial notice may be taken of a “website’s content—separate and
21 apart from the truth of that content” because it “is something ‘not reasonably subject to dispute
22 and [is] capable of immediate and accurate determination by resort to sources of reasonably
23 indisputable accuracy’”]; *Scott v. JPMorgan Chase Bank, N.A.* (2013) 214 Cal.App.4th 743, 751
24 [“a demurrer may be sustained where judicially noticeable facts render the pleading defective, and
25 allegations in the pleading may be disregarded if they are contrary to facts judicially noticed”
26 (citation omitted)]). The fact that the articles identified as Exhibits 1-3 were published is not
27 reasonably subject to dispute and are capable of immediate and accurate determination.
28

1 Accordingly, Amazon respectfully requests that the Court take judicial notice of the
2 documents attached as Exhibits 1-3.

3
4 DATED: December 5, 2022

COVINGTON & BURLING LLP

5 By: /s/ Jeffrey M. Davidson

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