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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

**CRUISE LINES INTERNATIONAL  
ASSOCIATION ALASKA, and CRUISE  
LINES INTERNATIONAL  
ASSOCIATION,**

Plaintiffs,

v.

**THE CITY AND BOROUGH OF JUNEAU,  
ALASKA, a municipal corporation, and  
RORIE WATT, in his official capacity as  
City Manager**

Defendants.

Case No.: 1:16-cv-00008-HRH

**THE CITY AND BOROUGH OF JUNEAU AND RORIE WATT'S MOTION TO TAKE  
JUDICIAL NOTICE IN CONNECTION WITH CBJ'S CROSS-MOTION FOR  
SUMMARY JUDGMENT AND OPPOSITION TO PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT, STATEMENT OF FACTS IN SUPPORT OF THE CROSS-  
MOTION FOR SUMMARY JUDGMENT AND OBJECTIONS AND RESPONSES TO  
PLAINTIFFS' STATEMENT OF FACTS**

Defendants, The City and Borough of Juneau, a municipal corporation and Rorie Watt, in his official capacity as City Manager (collectively hereafter CBJ), by and through their attorney Robert P. Blasco, of Hoffman & Blasco, LLC, respectfully move this Court, pursuant to Federal Rule of Evidence 201 and Local Rule 7.1(d), to take judicial notice of the exhibits listed

*CLIAA, et al. v. CBJ, et al.*

*Case No. 1:16-cv-00008-HRH*

*THE CITY AND BOROUGH OF JUNEAU AND RORIE WATT'S MOTION TO TAKE JUDICIAL NOTICE IN CONNECTION WITH CBJ'S CROSS-MOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, STATEMENT OF FACTS IN SUPPORT OF THE CROSS-MOTION FOR SUMMARY JUDGMENT AND OBJECTIONS AND RESPONSES TO PLAINTIFFS' STATEMENT OF FACTS*

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below attached to The City and Borough of Juneau and Rorie Watt's Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment, CBJ's Statement of Facts, and CBJ's Objections and Response to the Plaintiffs' Statement of Facts.<sup>1</sup>

**D) THE MATERIAL TO BE NOTICED AND ITS RELEVANCE TO THIS ACTION**

CBJ respectfully requests the Court take judicial notice of the following documents and materials that were not previously sent with CBJ's disclosures to CLIA, as submitted in connection with The City and Borough of Juneau and Rorie Watt's Objections and Responses to Plaintiffs' Statement of Facts and The City and Borough of Juneau and Rorie Watt's Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment:

- Exhibit A            CBJ199839-199864; List of cruise ship excursions available for purchase from Princess Cruise lines website (a member company), available on the world wide web at:  
<https://www.princess.com/find/cruiseDetails.do?voyageCode=9812>,  
last accessed on October 26, 2017
- Exhibit D            CBJ199865-199875; Princess Passage Contract and Terms, available on the world wide web at:  
<https://www.princess.com/find/cruiseDetails.do?voyageCode=9812>, last  
accessed on October 26, 2017
- Exhibit E            CBJ199832-199838 Holland America Line Cruise Contract, available on the world wide web at:  
<https://www.hollandamerica.com/pageByName/Content.action?requestPage=legalprivacy>, last accessed on October 26, 2017
- Exhibit F            Copy of United States Coast Guard website, available on the world wide web at: <http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/National-Vessel-Documentation-Center/National-Vessel-Documentation-Center-FAQ/#anchor1>, last accessed on January 28, 2018

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<sup>1</sup> To avoid duplicate efforts, CBJ has not reattached these exhibits to this Motion for Judicial Notice. The exhibits have been filed with the underlying Cross-Motion and Opposition to Plaintiffs' Motion for Summary Judgment.

- Exhibit G            CBJ199153-199158, 2017 Cruise Ship Calendar, available on the world wide web for Cruise Line Agencies of Alaska at: <http://claalaska.com/wp-content/uploads/2016/06/Juneau-JNU-2017.pdf>, last accessed on January 22, 2018
- Exhibit H            Marine Traffic Profile, available on the world wide web at: <https://www.marinetraffic.com/en/ais/details/ships/shipid:270203/mmsi:246648000/vessel:NIEUW%20AMSTERDAM>, last accessed on November 29, 2017
- Exhibit I            Marine Traffic Profile, available on the world wide web at: <https://www.marinetraffic.com/en/ais/details/ships/shipid:257996/mmsi:245206000/vessel:EURODAM>, last accessed on November 29, 2017
- Exhibit J            Marine Traffic Profile, available on the world wide web at: <https://www.marinetraffic.com/en/ais/details/ships/shipid:260088/mmsi:245417000/vessel:OOSTERDAM>, last accessed on November 29, 2017
- Exhibit K            Marine Traffic Profile, available on the world wide web at: <https://www.marinetraffic.com/en/ais/details/ships/shipid:265264/mmsi:246028000/vessel:NOORDAM>, last accessed on November 29, 2017
- Exhibit L            Marine Traffic Profile, available on the world wide web at: <https://www.marinetraffic.com/en/ais/details/ships/shipid:3349/mmsi:229857000/vessel:CARNIVAL%20LEGEND>, last accessed on November 28, 2017
- Exhibit M            Marine Traffic Profile, available on the world wide web at: <https://www.marinetraffic.com/en/ais/details/ships/shipid:376003/mmsi:311827000/vessel:NORWEGIAN%20JEWEL>, last accessed on November 28, 2017
- Exhibit N            Marine Traffic Profile, available on the world wide web at: <https://www.marinetraffic.com/en/ais/details/ships/shipid:371495/mmsi:310567000/vessel:RUBY%20PRINCESS>, last accessed on November 29, 2017
- Exhibit O            Marine Traffic Profile, available on the world wide web at: <https://www.marinetraffic.com/en/ais/details/ships/shipid:371001/mmsi:310361000/vessel:STAR%20PRINCESS>, last accessed on November 29, 2017

- Exhibit P Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:370294/mmsi:309653000/vessel:NORWEGIAN%20PEARL>, last accessed on November 29, 2017
- Exhibit Q Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:371018/mmsi:310376000/vessel:CORAL%20PRINCESS>, last accessed on November 29, 2017.
- Exhibit R Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:370965/mmsi:310327000/vessel:GRAND%20PRINCESS>, last accessed on November 29, 2017
- Exhibit S Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:264386/mmsi:245968000/vessel:VOLENDAM>, last accessed on November 28, 2017
- Exhibit T Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:371085/mmsi:310384000/vessel:ISLAND%20PRINCESS>, last accessed on November 28, 2017
- Exhibit U Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:711475/mmsi:538001664/vessel:REGATTA>, last accessed on November 28, 2017
- Exhibit V Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:371398/mmsi:310531000/vessel:EMERALD%20PRINCESSZaandam>, last accessed on November 29, 2017
- Exhibit W Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:228420/mmsi:244370000/vessel:AMSTERDAM>, last accessed on November 29, 2017
- Exhibit X Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:368174/mmsi:308007000/vessel:EUROPA>, last accessed on November 29, 2017
- Exhibit Y CLIA's Cruise line member list, available on the world wide web at:  
<https://www.cruising.org/cruise-vacationer/member-cruise-lines>, last accessed on November 28, 2017

- Exhibit Z Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:375209/mmsi:311622000/vessel:SEVEN%20SEAS%20MARINER>, last accessed on January 28, 2018
- Exhibit AA Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:288576/mmsi:249409000/vessel:CELEBRITY%20SOLSTICE>, last accessed on November 28, 2017
- Exhibit AB Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:374197/mmsi:311109000/vessel:NORWEGIAN%20SUN>, last accessed on November 28, 2017
- Exhibit AC Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:374597/mmsi:311316000/vessel:EXPLORER%20OF%20THE%20SEAS>, last accessed on November 29, 2017
- Exhibit AD Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:374605/mmsi:311319000/vessel:RADIANCE%20OF%20THE%20SEAS>, last accessed on November 29, 2017
- Exhibit AE Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:373129/mmsi:311027100/vessel:SEABOURN%20SOJOURN>, last accessed on November 28, 2017
- Exhibit AF Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:368824/mmsi:308457000/vessel:DISNEY%20WONDER>, last accessed on November 28, 2017
- Exhibit AG CBJ180954, Oprah's Instagram post taken from the Seawalk, available on the world wide web at:  
<https://www.instagram.com/p/BWochfdgHZ9/?hl=en&taken-by=oprah>, last accessed February 6, 2018<sup>2</sup>

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<sup>2</sup> This was previously provided to CLIA August 14, 2017 in CBJ's Second Set of Requests for Admissions and Fifth Set of Requests for Production.

- Exhibit AH Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:368999/mmsi:308628000/vessel:SILVER%20SHADOW>, last accessed on November 29, 2017
- Exhibit AI Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:5251294/mmsi:249055000/vessel:CELEBRITY%20MILLENNIUM>; last accessed on November 29, 2017
- Exhibit AJ Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:287701/mmsi:413557060/vessel:CELEBRITY%20MILLENNIUM>, last accessed on November 29, 2017
- Exhibit AK Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:287639/mmsi:249048000/vessel:CELEBRITY%20INFINITY>, last accessed on November 29, 2017
- Exhibit AL Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:375062/mmsi:311536000/vessel:CRYSTAL%20SERENITY>, last accessed on November 28, 2017
- Exhibit AM Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:370965/mmsi:310327000/vessel:GRAND%20PRINCESS>, last accessed on November 28, 2017
- Exhibit AN Article "Filipinos make up nearly a third of all cruise ship workers. It's a good job. Until it isn't," February 2, 2017, available on the world wide web at: <https://story.californiasunday.com/below-deck>, last accessed on December 4, 2017
- Exhibit AO "The World" information page available on the world wide web at:  
<http://aboardtheworld.com/our-story/>, last accessed on November 28, 2017
- Exhibit AP Marine Traffic Profile, available on the world wide web at:  
<https://www.marinetraffic.com/en/ais/details/ships/shipid:374396/mmsi:311213000/vessel:THE%20WORLD>, last accessed on November 28, 2017

- Exhibit AU            CBJ199110-199111, CLIA Alaska press release on litigation Article "Why did we file suit?", April 13, 2016, available on the world wide web at: <http://www.claalaska.org/2016/04/why-did-we-file-suit?>, last accessed on January 30, 2018
- Exhibit AV            Article "Cruise Ship Tax falling short of financial expectations in Sitka," Anchorage Daily News, April 8, 2012, available on the world wide web at: <https://www.adn.com/economy/article/cruise-ship-tax-falling-short-financial-expectations-sika/2012/04/09/>, last accessed on January 23, 2018
- Exhibit BT            Corporate filings for AJ Dock Enterprises, LLC, available on the world wide web at: <https://www.commerce.alaska.gov/CBP/Main/Document/Corp/?r=61248&v=925541&d=1443970>, last accessed on January 29, 2018
- Exhibit BU            Corporate filings for Franklin Dock Enterprises, available on the world wide web at: <https://www.commerce.alaska.gov/CBP/Main/Search/EntityDetail/56327D>, last accessed on February 6, 2018
- Exhibit BX            CBJ199087-199090, Article "Audit: No Misuse of Juneau's head taxes", Juneau Empire, April 22, 2016, available on the world wide web at: <http://juneauempire.com/local/2016-04-22/audit-no-misuse-juneaus-head-taxes>, last accessed on February 6, 2018
- Exhibit CG            CBJ198840-198844, FY18 Passenger Fee Proceeds Recommendation Memo, April 5, 2017, available on the world wide web at: <https://cdn.juneau.org/wp-content/uploads/2017/03/FINALFY18PassengerFeeRecommendedFundin gList.pdf>, last accessed February 6, 2018
- Exhibit CH            Proposed 2018 Juneau Cruise Ship calendar, available on the world wide web at: <http://claalaska.com/wp-content/uploads/2017/08/Juneau-%E2%80%93JNU-2018.pdf>, last accessed October 13, 2017
- Exhibit CY            2011 CLIA sourcebook, pages 1-12, bate stamped as CBJ198729-198740 available on the world wide web at: <http://www.akcruise.org/wp-content/uploads/2012/05/2011-CLIA-Sourcebook.pdf>, last accessed February 6, 2018
- Exhibit DE            Statter Harbor Issues paper, bate stamped as CBJ199082-199086 available on the world wide web at: <http://packet.cbjak.org/AttachmentViewer.ashx?AttachmentID=6372&ItemID=3549>, last accessed February 8, 2018.



- Exhibit EV Corporate filings for Ketchikan Dock Company, available on the world wide web at: <https://www.commerce.alaska.gov/CBP/Main/Document/Corp/?r=71834&v=925565&d=1444032>, last accessed January 29, 2018
- Exhibit EX FY18 request from Princess/Franklin, bate stamped, CBJ0198883-198884, available on the world wide web at: <https://cdn.juneau.org/wp-content/uploads/2017/03/FranklinDockEnterprises.pdf>, last accessed on February 6, 2018
- Exhibit EY CBJ198851-198853, December 30, 2016 request from AJ Dock (FY18 letter) available on the world wide web at: <https://cdn.juneau.org/wp-content/uploads/2017/03/AJJuneauDockLLC.pdf>, last accessed February 6, 2018
- Exhibit FE CBJ199095-199107, Article "Juneau's downtown cruise terminal preparing for bigger boats," KTOO, January 26, 2017, available on the world wide web at: <https://www.ktoo.org/2017/01/26/juneaus-downtown-cruise-terminal-preparing-bigger-boats/>, last accessed January 29, 2018
- Exhibit FF CBJ199108-199109, Article "Lawsuit looms heavy over chamber luncheon," Juneau Empire, April 15, 2016 available on the world wide web at: <http://juneauempire.com/local/2016-04-15/lawsuit-looms-heavy-over-chamber-luncheon>, last accessed February 6, 2018
- Exhibit FQ CBJ198981-199019, CLIA 2016 annual report, page 25, published by CLIA, available on the world wide web at: <http://www.cruising.org/about-the-industry/research/2016-annual-report>, last accessed on January 16, 2018
- Exhibit GE CBJ199144-199148, Proposed FY19 funding list, available on the world wide web at: <https://cdn.juneau.org/wp-content/uploads/2017/03/DRAFT-FY19-Passenger-Fee-Recommended-Funding-List-1-17-2018-SIGNED.pdf>, last accessed on February 8, 2018.
- Exhibit GF CBJ199091-199094, Article "Cruise association president: Ketchikan taxes not a concern," Juneau Empire, April 15, 2016, available on the world wide web at: <http://juneauempire.com/local/2016-04-15/cruise-association-president-ketchikan-taxes-not-concern>, last accessed on February 6, 2018
- Exhibit HI CBJ198712-198715 January 22, 2016 memo from Karl Amylon, available on the world wide web at:



[http://ketchikan.granicus.com/MetaViewer.php?view\\_id=2&clip\\_id=500&meta\\_id=15776](http://ketchikan.granicus.com/MetaViewer.php?view_id=2&clip_id=500&meta_id=15776), last accessed February 8, 2018.

- Exhibit HK      CBJ198716-198718, Article "Tourism Best Management Practices: Giving Juneau residents a voice in the tourism industry," Capital City Weekly, June 10, 2009, available on the world wide web at: [http://www.capitalcityweekly.com/stories/061009/new\\_449489764.shtml](http://www.capitalcityweekly.com/stories/061009/new_449489764.shtml), last accessed February 6, 2018
- Exhibit HX      CLIA Passenger Bill of Rights available on the world wide web at: <https://www.cruising.org/about-the-industry/regulatory/industry-policies/other/pbor>, last accessed on January 22, 2018
- Exhibit HZ      Article "Congress introduces legislation to protect cruisers safety rights," Fox News, April 28, 2017, available on the world wide web at: [www.foxnews.com/travel/2017/04/28/congress-introduces-legislation-to-protect-cruisers-safety-rights.html](http://www.foxnews.com/travel/2017/04/28/congress-introduces-legislation-to-protect-cruisers-safety-rights.html), last accessed on February 6, 2018
- Exhibit IA      Statement on CLIA's website, available on the world wide web at: <https://www.cruising.org/about-the-industry/regulatory/industry-policies/health/medical-facilities>, last accessed on January 22, 2018
- Exhibit IL      United States Coast Guard Cruise Ship Consumer Fact Sheet, available on the world wide web at: [https://www.consumeraffairs.com/travel/cruise\\_factsheet.html](https://www.consumeraffairs.com/travel/cruise_factsheet.html), last accessed on February 7, 2018
- Exhibit IM      Select pages of Royal Caribbean's 2010 Stewardship Report, available on the world wide web at: <https://www.royalcaribbeanpresscenter.com/search/?s=STEWARDSHIP>, last accessed February 1, 2018
- Exhibit JP      2016 SEC form 10K for Carnival Plc and Carnival Corporation, available on the world wide web at: <https://www.sec.gov/Archives/edgar/data/815097/000081509717000001/a2016form10-kfrontpart.htm>, last accessed February 7, 2018
- Exhibit JQ      Carnival Corporation Investor information, available on the world wide web at: [www.carnivalcorp.com/phoenix.xhtml?c=200767&p=irol-prlanding](http://www.carnivalcorp.com/phoenix.xhtml?c=200767&p=irol-prlanding), last accessed January 26, 2018
- Exhibit JR      First two pages of Royal Caribbean Cruises' 2016 U.S. SEC form 10K; available on the world wide web at:

<https://www.sec.gov/Archives/edgar/data/884887/000088488717000020/rc1-20161231x10k.htm>, last accessed February 7, 2018

- Exhibit JS First two pages of Norwegian Cruise Lines Holdings, Ltd.'s 2016 US SEC form 10K, available on the world wide web at:  
[https://www.sec.gov/Archives/edgar/data/1513761/000157104917001650/t1700165\\_10k.htm](https://www.sec.gov/Archives/edgar/data/1513761/000157104917001650/t1700165_10k.htm), last accessed February 7, 2018
- Exhibit JT First two pages of Seven Seas Cruises' 2013 U.S. Form 10K, available on the world wide web at:  
<https://www.sec.gov/Archives/edgar/data/1534814/000153481414000014/ssc-20131231x10k.htm>, last accessed February 7, 2018
- Exhibit JU Disney Cruise Line Investor snapshot, available on the world wide web at:  
<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=6815714>, last accessed on January 26, 2018
- Exhibit JV Silverseas ownership information, available on the world wide web at:  
<https://www.silversea.com/about-silversea/the-company.html>, last accessed January 26, 2018.
- Exhibit JW Crystal Cruises/Genting Hong Kong Profile, available on the world wide web at: [www.gentinghk.com/en/home/profile.aspx](http://www.gentinghk.com/en/home/profile.aspx), last accessed on January 26, 2018;  
  
and investor relations available on the world wide web at:  
[www.gentinghk.com/en/home/investor-relations/overview.aspx](http://www.gentinghk.com/en/home/investor-relations/overview.aspx); last accessed on January 26, 2018.
- Exhibit JX Article "Sen. Wants Cruise Lines to Pay 'Fair Share' of US Tax." by Nathan Hale, Law 360, Miami, available on the world wide web at:  
<https://www.law360.com/articles/462203/sen-wants-cruise-lines-to-pay-fair-share-of-us-tax>, last accessed December 4, 2017
- Exhibit JY Article "Cruise Lines escape new US levy, ports worry about parts of tax overhaul", Seatrade Cruise News, December 2, 2017, available on the world wide web at: [www.seatrade-cruise.com/news/news-headlines/cruise-lines-escape-new-us-tax-ports-worry-about-bill-s-infrastructure-impact.html](http://www.seatrade-cruise.com/news/news-headlines/cruise-lines-escape-new-us-tax-ports-worry-about-bill-s-infrastructure-impact.html), last accessed February 7, 2018
- Exhibit JZ Article " Proposed US tax bill could cost lines estimated \$70m a year", available on the world wide web at: <http://www.seatrade-cruise.com/news/news-headlines/proposed-us-tax-bill-could-cost-lines-estimated-70m-a-year.html>, Seatrade Cruise News, November 13, 2017, last accessed February 7, 2018

- Exhibit KA A Article "Alaska Senators vote for tax bill, with extras for ANWR, cruise industry, Native Corporations", Anchorage Daily News, December 12, 2017, available on the world wide web at <https://www.adn.com/politics/2017/12/02/alaska-senators-vote-for-tax-bill-with-extras-for-anwr-cruise-industry-native-corporations>, last accessed February 7, 2018
- Exhibit KB Records from Center for Responsive Politics, 2016 lobbying and spending database cruise ships and lines, available on the world wide web at: <https://www.opensecrets.org/lobby/induscode.php?id=T6250&year=2016>, last accessed on January 27, 2018;
- and 2017 lobbying and spending database cruise ships and lines, available on the world wide web at: <https://www.opensecrets.org/lobby/induscode.php?id=T6250&year=2017>, last accessed on January 27, 2018;
- and Cruise Ships & Lines: Top Contributors to Federal Candidates, Parties, and Outside Groups, available on the world wide web at: <https://www.opensecrets.org/industries/contrib.php?ind=T6250&Bkdn=DemRep&cycle=2016>, last accessed on January 27, 2018
- Exhibit KD Article "A private justice system leads to secrecy and mistreatment on the high seas", available on the world wide web at: <http://curious.kcrw.com/2016/10/a-private-justice-system-leads-to-secrecy-and-mistreatment-on-the-high-seas>, last accessed on January 21, 2018
- Exhibit KE American Community Survey, 2012-2016, available on the world wide web at the Alaska Department of Labor and Workforce Development, at: <http://live.laborstats.alaska.gov/cen/acsdetails.cfm#>, last accessed February 7, 2018
- Exhibit KH CBJ199020-199038, 2017 cruise ship outlook, available on the world wide web at: <https://www.cruising.org/about-the-industry/research/travel-agent-outlook>, last accessed on January 16, 2018
- Exhibit KM Disney tours available for purchase, available on the world wide web at: <https://disneycruise.disney.go.com/port-adventures/alaska/list/juneau-alaska/>, last accessed on January 26, 2018;
- and information on booking, available at the world wide web at: <https://disneycruise.disney.go.com/faq/ports-port-adventure-excursions/booking/>, last accessed on January 26, 2018

- Exhibit KR            CBJ199046-199081, McDowell Group Haines Cruise and Fast Ferry Passenger Survey December 2011, available on the world wide web at: <http://www.visithaines.com/sites/default/files/Haines%20Cruise%20Passenger%20Survey%202011%20-%20Final%20Report.pdf>, last accessed on February 6, 2018
- Exhibit KX            Article "Cruise industry's Juneau Lawsuit could set wider precedent", KTOO, November 1, 2017, available on the world wide web at <https://www.ktoo.org/2017/11/01/cruise-industrys-juneau-lawsuit-set-wider-precedent/>, last accessed on January 2, 2018
- Exhibit LC            Article "The Paradox of Corporate Taxes", The New York Times, February 1, 2011, available on the world wide web at <http://www.nytimes.com/2011/02/02/business/economy/02leonhardt.html?src=me>, last accessed on December 4, 2017
- Exhibit LD            Centers for Disease Control and Prevention "Cruise ship Travel," last updated June 12, 2017, available on the world wide web at: <https://wwwnc.cdc.gov/travel/yellowbook/2018/conveyance-transportation-issues/cruise-ship-travel>, last accessed February 7, 2018
- Exhibit LE            Article "Cruise industry adopts a passenger bill of rights," Los Angeles Times, May 27, 2013, available on the world wide web at: <http://articles.latimes.com/2013/may/27/business/la-fi-cruise-passengers-20130528>, last accessed on February 7, 2018
- Exhibit LF            Article "Does the cruise industry need regulation?", BBC, April 3, 2013, available on the world wide web at: [www.bbc.com/travel/story/20130403-does-the-cruise-industry-need-regulation](http://www.bbc.com/travel/story/20130403-does-the-cruise-industry-need-regulation), last accessed on February 7, 2018
- Exhibit LG            CLIA's website on medical facilities, available on the world wide web at: <https://www.cruising.org/about-the-industry/regulatory/industry-policies/health/medical-facilities>, last accessed on January 22, 2018
- Exhibit LQ            CBJ199151-199152, Binkley's Linked In profile, available on the world wide web at: [www.linkedin.com/in/john-binkley-5a643424](http://www.linkedin.com/in/john-binkley-5a643424), last accessed on January 22, 2018
- Exhibit LU            CBJ198969-198973 Resolution 2791d, available on the world wide web available at: [http://www.juneau.org/engineering/CIP/FINAL/documents/res\\_000.pdf](http://www.juneau.org/engineering/CIP/FINAL/documents/res_000.pdf), last accessed on February 6, 2018.

Exhibit LV 2005 resolution 2316, available on the world wide web at:  
[https://www.juneau.org/beta\\_transfer/assemblyftp/agendas/2005/2\\_005-06-27/Res2316.pdf](https://www.juneau.org/beta_transfer/assemblyftp/agendas/2005/2_005-06-27/Res2316.pdf), last accessed February 8, 2018

Each of these Exhibits, which are filed concurrently with the City and Borough of Juneau and Rorie Watt's Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment, CBJ's Statement of Facts, and CBJ's Objections and Response to the Plaintiffs' Statement of Facts, may be judicially noticed by this Court and may be referenced and relied upon by the Court as it considers CBJ's request for judgment on the defenses asserted in the Cross-Motion for Summary Judgment, and as it considers CBJ's request for denial of Plaintiffs' Summary Judgment Motion.

## **II) LEGAL AUTHORITY FOR TAKING JUDICIAL NOTICE OF THIS MATERIAL**

Federal Rule of Evidence 201 allows a court to take judicial notice of facts that are "generally known within the territorial jurisdiction of the trial court" or can be "accurately and readily determined from sources whose accuracy cannot reasonably be questioned". Fed R. Evid. 201 (b); *Hansen v. City of San Francisco*, No. 12-cv-04210-JST, 2014 WL 1310282, at \*2 (N.D. Cal. Mar. 31, 2014)(a "court shall take judicial notice of a fact not subject to reasonable dispute is that it is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned"). Pursuant to the Rule, the court "must take judicial notice if a party requests it and the court is supplied with the necessary information". Fed R. Evid. 201(c)(2). This motion is filed pursuant to Local Rule 7.1(d) which provides that when a "citation or reference is made to materials or information not readily available to the public in printed form, or to an internet site, the citing party must attach a copy as an exhibit to the

motion... [and] file a separate motion that the court take judicial notice of the materials or information cited under Federal Rules of Evidence, Rule 201."

*A. Documents Available Publicly Online from Reliable Sources*

The documents listed above were taken from the world wide web, as listed. In "this new technological age[.]" courts may take judicial notice of documents "insofar as they are available via the worldwide web" when the Court is supplied with the necessary information to access the website and confirm the accuracy of the document's content. *In re Tourism Assessment Fee Litig.*, No. 08cv1796-MMA WMC, 2009 WL 10185458, at \*4-5 (S.D. Cal. Feb. 19, 2009) (quoting *In re Agribiotech Sec. Litig.*, 2000 U.S. Dist. LEXIS 5643, \*4-5 (D. Nev. Mar. 2, 2000)), *aff'd* 391 F. App'x 643 (9th Cir. 2010); *see also Barnes v. Marriott Hotel Servs., Inc.*, No. 15-cv-01409-HRL, 2017 WL 635474, at \*4 (N.D. Cal. Feb. 16, 2017) ("It is not uncommon for courts to take judicial notice of factual information found on the world wide web." (citations omitted)).

CLIA filed a similar motion to take Judicial Notice (Docket 79), with their Motion for Summary Judgment with the same legal basis as above. CBJ did not object to their request for Judicial Notice of documents found online.<sup>3</sup>

The exhibits listed above are properly subject to judicial notice by this Court, as they are documents publicly available online. CBJ has provided the Court with website addresses for each of these documents in this Motion and Defendants' Index of Exhibits, enabling the Court to access the websites and confirm the accuracy of the document's content. Also, some of the materials are proper subjects of judicial notice apart from their public availability on the internet.

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<sup>3</sup> CBJ did file a partial opposition on the basis of the language in Ms. Kraft's Affidavit.



See *In re Am. Apparel, Inc. S'holder Derivative Litig.*, No. CV 10-06576 MMM RCX, 2012 WL 9506072, at \*19 (C.D. Cal. July 13, 2012) (taking judicial notice of the contents of press releases and news articles). Therefore, these materials are proper subjects of judicial notice.

### **III) CONCLUSION**

For the reasons outlined above, CBJ respectfully moves the Court to take judicial notice of Exhibits A; D; E; F; G; H; I; J; K; L; M; N; O; P; Q; R; S; T; U; V; W; X; Y; Z; AA; AB; AC; AD; AE; AF; AG; AH; AI; AJ; AK; AL; AM; AN; AO; AP; AU; AV; BT; BU; BX; CG; CH; CY; DE; EV; EX; EY; FE; FF; FQ; GE; GF; HI; HK; HX; HZ; IA; IL; IM; JP; JQ; JR; JS; JT; JU; JV; JW; JX; JY; JZ; KA; KB; KD; KE; KH; KM; KR; KX; LC; LD; LE; LF; LG; LQ; LU, and LV, to CBJ's concurrently filed *The City and Borough of Juneau and Rorie Watt's Objections and Responses to Plaintiffs' Statement of Facts* and *The City and Borough of Juneau and Rorie Watt's Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment*. CBJ has used the same legal basis as CLIA's request, for the same kinds of exhibits, and as such, this motion should be unopposed.

HOFFMAN & BLASCO, LLC

Dated: February 9, 2018

By: /s/ Robert P. Blasco  
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Attorneys for the City and Borough of Juneau,  
Alaska, a municipal corporation, and Rorie Watt  
in his official capacity as City Manager

HOFFMAN & BLASCO, LLC

Dated: February 9, 2018

By: /s/ Megan J. Costello  
Megan J. Costello, AK Bar #1212141  
Attorneys for the City and Borough of Juneau,  
Alaska, a municipal corporation, and Rorie  
Watt, in his official capacity as City Manager

**CERTIFICATE OF SERVICE**

The undersigned certifies that on February 9, 2018 true and correct copy of the foregoing **THE CITY AND BOROUGH OF JUNEAU AND RORIE WATT'S MOTION TO TAKE JUDICIAL NOTICE IN CONNECTION WITH CBJ'S CROSS-MOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, STATEMENT OF FACTS IN SUPPORT OF THE CROSS-MOTION FOR SUMMARY JUDGMENT AND OBJECTIONS AND RESPONSES TO PLAINTIFFS' STATEMENT OF FACTS** was served on the following parties of record via ECF:

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