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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RAHINAH IBRAHIM, an individual,  
Plaintiff,  
v.  
DEPARTMENT OF HOMELAND  
SECURITY, et al.,  
Defendants.

CASE NO. C 06 0545 WHA  
**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PLAINTIFF, RAHINAH  
IBRAHIM'S, OPPOSITION TO  
MOTIONS TO DISMISS OF UNITED  
DEFENDANTS, JOHN BONDANELLA,  
AND FEDERAL DEFENDANTS**  
Date: June 29, 2006  
Time: 8:00 a.m.  
Crtrm: 9 – 19<sup>th</sup> Floor  
The Hon. William Alsup

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1 Plaintiff, Rahinah Ibrahim (“Ibrahim”), pursuant to Federal Rules of Evidence, rule 201,  
2 requests that this Court take judicial notice of the following documents:

3 Exhibit A: San Francisco Police Department “Incident Report” for Case No. 05-00250,  
4 relating to the events of January 2, 2005 that are the subject of Ibrahim’s  
5 complaint.

6 Exhibit B: Ibrahim’s “Application for Passenger Identity Verification,” submitted to  
7 defendant, the Transportation Security Administration (“TSA”) on March 24,  
8 2005 (attached without enclosures).

9 Exhibit C: The “Counterterrorism- Terrorist Screening Center: Mission” section of the FBI’s  
10 website (www.fbi.gov), as it appeared on May 31, 2006.

11 Exhibit D: The “Counterterrorism- Terrorist Screening Center: Frequently Asked Questions”  
12 section of the FBI’s website (www.fbi.gov), as it appeared on May 31, 2006.

13 Exhibit E: The “Counterterrorism-Terrorist Screening Center: History” section of the FBI’s  
14 website (www.fbi.gov), as it appeared on May 31, 2006.

15 Exhibit F: The “About TSA: Who We Are” section of the TSA’s website (www.tsa.gov), as  
16 it appeared on May 31, 2006.

17 Exhibit G: Relevant pages from the “Report on Effects on Privacy & Civil Liberties” issued  
18 by the Department of Homeland Security (“DHS”) on April 27, 2006, available at  
19 the DHS’s website (www.dhs.gov). Portions of Exhibit G cited by Ibrahim in her  
20 opposition papers are underlined.

21 Exhibit H: The “Memorandum In Opposition to Petitioner’s Emergency Motion For Interim  
22 Relief Pursuant To 49 U.S.C. § 46110” filed by the TSA on September 27, 2005,  
23 in *Gray v. Transportation Security Administration*, Docket No. 05-2024, 2 (1<sup>st</sup>  
24 Cir. 2005) (September 27, 2005). Portions of Exhibit H cited by Ibrahim in her  
25 opposition papers are underlined.  
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1 Exhibit I: Relevant pages from the report entitled “Transportation Security Administration:  
2 More Clarity on the Authority of Security Directives is Needed,” issued by the  
3 United States Government Accountability Office (“GAO”), dated September  
4 2005, and available at the GAO’s website (www.gao.gov), as of June 8, 2006.

5 Exhibit J: Ibrahim’s Federal Tort Claim entitled “Claim for Damage, Injury or Death,”  
6 submitted to defendant, the Terrorist Screening Center (“TSC”), on June 7, 2006.

7 Exhibit K: Ibrahim’s Federal Tort Claim entitled “Claim for Damage, Injury or Death,”  
8 submitted to defendant, the TSA, on June 7, 2006.

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10 Exhibit L: Ibrahim’s Federal Tort Claim entitled “Claim for Damage, Injury or Death,”  
11 submitted to defendant, the FBI, on June 7, 2006.

12 Exhibit M: Ibrahim’s Federal Tort Claim entitled “Claim for Damage, Injury or Death,”  
13 submitted to defendant, the DHS, on June 7, 2006.

14 Exhibit N: Ibrahim’s Federal Tort Claim entitled “Claim for Damage, Injury or Death,”  
15 submitted to defendant, the Federal Aviation Administration (“FAA”), on June 7,  
16 2006.

17 Exhibit O: The TSA’s Response to Ibrahim’s Passenger Identity Verification Form, issued  
18 by the TSA’s Office of Transportation Security Redress, on March 1, 2006.

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20 Exhibit P: An organization chart, including federal defendants, the Department of  
21 Transportation, the FAA, the DHS, the TSA, The Department of Justice, the FBI,  
22 and the TSC.

23 Exhibit Q: The “Travelers & Consumers: TSA Customer Service: TSA Watch Lists  
24 Clearance Procedures” section of the TSA’s website (www.tsa.gov), as it  
25 appeared on June 8, 2006.  
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**LEGAL ARGUMENT**

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2 On a motion to dismiss, a court may take judicial notice of facts outside the pleadings.  
3 *Schwartz v Commonwealth Land Title Ins. Co.*, 374 F.Supp 564, 578 (1974); *Sears, Roebuck &*  
4 *Co. v. Metropolitan Engravers, Ltd.*, 245 F.2d 67, 70 (9th Cir. 1956). The above exhibits are  
5 judicially noticeable because they are either generally known within the territorial jurisdiction of  
6 this Court, and/or capable of accurate and ready determination by resort to sources whose  
7 accuracy cannot reasonably be questioned. (Fed. R. of Evid. 201(b).) For example, matters of  
8 public record are judicially noticeable. *Lexecon Inc. v Milberg Weiss Bershad Hynes & Lerach*,  
9 102 F.3d 1524, 1537 (9th Cir.1996).<sup>1</sup> “Ample authority exists which recognizes that matters of  
10 public record, including court records in related or underlying cases which have a direct relation  
11 to the matters at issue, may be looked to when ruling on a 12(b)(6) motion to dismiss.” *Lexecon*  
12 *Inc. at 1537*. In addition, records and reports of administrative bodies are judicially noticeable.  
13 *Barron v. Reich*, 13 F.3d 1370, 1377 (9th 1994); *Interstate Natural Gas Co. v. Southern*  
14 *California Gas Co.*, 209 F.2d 380, 385 (9th Cir.1953). On these bases, this Court may take  
15 judicial notice of the documents described above.  
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17 Dated: June 8, 2006

McMANIS FAULKNER & MORGAN

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20 JAMES McMANIS  
KEVIN HAMMON

21 Attorneys for Plaintiff,  
22 RAHINAH IBRAHIM  
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28 <sup>1</sup> This case has been overruled on other grounds. See *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998).