

1 Respondent's Request for sealing order seeks to provide the children in this action with some
2 of the protection provided to children born out-of-wedlock whose custody and visitation are decided
3 in the context of a parentage action.

4 The Fourteenth Amendment to the Constitution of the United States provides that no state shall
5 "deny to any person within its jurisdiction the equal protection of the laws." "The Equal Protection
6 Clause requires that persons under like circumstances be given equal protection and security in the
7 enjoyment of personal and civil rights, . . ." Witkin, Summary of California Law, 10th ed.,
8 "Constitutional Law" §695.

9 In addition, Article I, §7(a) of the California Constitution also prohibits the denial of equal
10 protection of the laws. And Article I, §7(b) provides that, "A citizen or class of citizens may not be
11 granted privileges or immunities not granted on the same terms to all citizens."

12 It is obvious that Family Code §7643 provides greater privacy rights and protection to minor
13 children who are born out-of-wedlock whose custody and visitation rights are determined in a UPA
14 proceeding than it does to children who are born out-of-wedlock whose custody and visitation rights
15 are determined in a marital dissolution proceeding. Likewise Family Code §7643 provides greater
16 privacy rights and protection to parties of minor children who are born out-of-wedlock, creating and
17 discriminating against classes of parents, and unmarried and married persons. Respondent's Request
18 to seal documents that are related to custody and visitation disputes in this case, will, in the case at
19 bar, allow redress of that discriminatory feature in the controlling statutes and avoid the necessity, in
20 this case, of determining that the absence of similar provisions in a dissolution proceeding protecting
21 the privacy rights of parties and children and the best interests of children born before or during a
22 marriage with respect to the confidentiality of pleadings filed in connection with custody and
23 visitation is or is not unconstitutional.

24 However, were this Court to deny Respondent's request, which essentially places children
25 (and parties) in a marital dissolution action on an equal footing with children (and parties) in a
26 parentage action as it relates to custody and visitation, then the entire statutory scheme will clearly
27 create two classes of individuals, under like circumstances, who are not given equal protection and
28 security in the enjoyment of their personal and civil rights.



1 While one may argue that there is a rational reason to distinguish between maintaining
2 confidential evidence and information concerning parentage itself, based upon historical prejudice
3 against illegitimacy, Respondent submits that there is no rational basis for distinguishing between
4 these two classes of minor children with respect to pleadings involving disputes over custody and
5 visitation which have no bearing on the issue of parentage itself. Notably the determination of
6 parentage in this action is pursuant to the terms of the UPA, yet the same protections are not afforded
7 to these children. Respondent further submits there is no rational basis for distinguishing between
8 two classes of parents.

9 IV.

10 CONCLUSION

11 For the reasons set forth herein and in Respondent's pleadings filed December 7, 2016, the
12 Court should enter the [Proposed] Order Re Sealing submitted concurrently herewith.

13
14 DATED: December 21, 2016

15
16 By:  

17 LANCE S. SPIEGEL
18 Attorneys for Respondent,
19 WILLIAM BRADLEY PITT
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PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is Young, Spiegel & Lee, LLP, [REDACTED] (310) 887-5100.


On December 21, 2016, I served the within document(s) described as: **SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF RESPONDENT'S RFO FOR SEALING ORDER** on the interested party(ies) in this action, as follows:

| ADDRESSEE | FAX/EMAIL ADDRESS | TYPE OF SERVICE |
|---|-------------------|-----------------|
| Laura Wasser, Esq. Wasser Cooperman & Mandles PC [REDACTED] | | D |

- A. BY MAIL - I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail for collection and mailing to the office/residence of the addressee(s) on the date shown below following ordinary business practices.
- B. BY FEDERAL EXPRESS - I caused each such envelope to be delivered by overnight mail service to the addressee(s) noted above.
- C. BY FACSIMILE SERVICE - I caused a true copy thereof to be transmitted on the date shown below from telecopier [REDACTED] to the telecopier number published for the addressee(s).
- D. BY PERSONAL SERVICE - I caused each document identified herein to be delivered by hand to the addressee(s) noted above.
- E. BY ELECTRONIC COMMUNICATION - I caused a true copy thereof to be transmitted on the date shown to the email address for the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 21, 2016 at Beverly Hills, California.



Alicia Thomas

YOUNG, SPIEGEL & LEE, LLP

1 LANCE S. SPIEGEL [SBN 51625]
2 HYUNU LEE [SBN 186354]
3 YOUNG, SPIEGEL & LEE LLP

4 [Redacted]
5 [Redacted]

6 Telephone: [Redacted]
7 Facsimile: [Redacted]

8 GARY FISHBEIN [SBN 93765]
9 AZITA MOSBAT [SBN 195072]
10 BUTER, BUZARD, FISHBEIN & ROYCE, LLP

11 [Redacted]
12 [Redacted]

13 Telephone: [Redacted]
14 Facsimile: [Redacted]

15 Attorneys for Respondent,
16 WILLIAM BRADLEY PITT

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 FOR THE COUNTY OF LOS ANGELES

19 In the Marriage of:
20 Petitioner: ANGELINA JOLIE PITT
21 and
22 Respondent: WILLIAM BRADLEY PITT

CASE No. BD 646 058
Hon. Richard J. Burdge, Jr
Department: 27

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF RESPONDENT'S RFO
FOR SEALING ORDER

Hearing Date: January 17, 2017
Time: 8:30 a.m.
Dept.: 27

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FILED
Superior Court of California
County of Los Angeles

DEC 21 2016

Sherri R. Carter, Executive Officer/Clerk
By Dolores Galvez Deputy

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REQUEST FOR JUDICIAL NOTICE

Respondent William Bradley Pitt hereby requests that the Court take judicial notice of the following documents at the hearing of Respondent's Motion to Seal in this proceeding on January 17, 2017.

1. Printout of December 6, 2016 Google search results, previously submitted as Exhibit E to the Declaration of Lance S. Spiegel in Support of Respondent's *Ex Parte* Application.

Authority: Pursuant to Evidence Code Section 452(g), courts may properly take judicial notice of "[f]acts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute." Evid. Code § 452(g). Here, Respondent submits the relevant exhibit to show that the media and public are commenting on and paying attention to the Pitts' divorce, including the proceedings before this Court, and not for the truth of any matter asserted therein.

This Court may properly take judicial notice of this attention. *See Ragland v. U.S. Bank Nat. Assn.*, 209 Cal. App. 4th 182, 193 (2012) (court may take judicial notice of "Web sites, and blogs" so long as it does not accept contents as true); *see also Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010) ("The Museum also moves for judicial notice of the fact that various newspapers, magazines, and books have published information about the Cranachs. Courts may take judicial notice of *publications introduced to indicate what was in the public realm at the time*, not whether the contents of those articles were in fact true.) (emphasis added).

2. Sampling of media and online articles covering the Pitts' divorce, previously submitted as Exhibit F to the Declaration of Lance S. Spiegel in Support of Respondent's *Ex Parte* Application.

Authority: Pursuant to Evidence Code Section 452(g), courts may properly take judicial notice of "[f]acts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute." Evid. Code § 452(g).


1 Here, Respondent submits the relevant exhibits to show that the media has previously published
2 articles purporting to reflect statements made in pleadings or exhibits submitted before this Court, and
3 not for the truth of any matter asserted therein.

4 This Court may properly take judicial notice of the fact that these entities are purporting to
5 report on the Proceedings. *See Ragland v. U.S. Bank Nat. Assn.*, 209 Cal. App. 4th 182, 193 (2012)
6 (court may take judicial notice of "Web sites, and blogs" so long as it does not accept contents as
7 true); *see also Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir.
8 2010) ("The Museum also moves for judicial notice of the fact that various newspapers, magazines,
9 and books have published information about the Cranachs. Courts may take judicial notice of
10 *publications introduced to indicate what was in the public realm at the time*, not whether the contents
11 of those articles were in fact true.) (emphasis added).

12
13 3. Opposition to Respondent's *Ex Parte* Application, filed December 7, 2016.

14
15 **Authority:** Pursuant to Evidence Code Section 452(d)(1), courts may properly take judicial
16 notice of "[r]ecords of (1) any court of this state." Evid. Code § 452(d). Exhibit C consists of
17 documents filed by Petitioner in opposition to Respondent's *Ex Parte* Application, and the proper
18 subject of judicial notice. *See, e.g., Taus v. Loftus*, 40 Cal. 4th 683, 726 (2007) (Supreme Court took
19 judicial notice of court records from juvenile proceedings in Solano County Court, explaining that a
20 "court may take judicial notice of the records of any court of this state"); *Nulaid Farmers Ass'n v.*
21 *LaTorre*, 252 Cal. App. 2d 788, 791 (1967) ("It is well settled that a court can take judicial notice of
22 its records").

23
24 Dated: December 21, 2016

25
26 By: 
LANCE S. SPIEGEL
27 Attorneys for Respondent,
WILLIAM BRADLEY PITT
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is Young, Spiegel & Lee, LLP, [REDACTED]

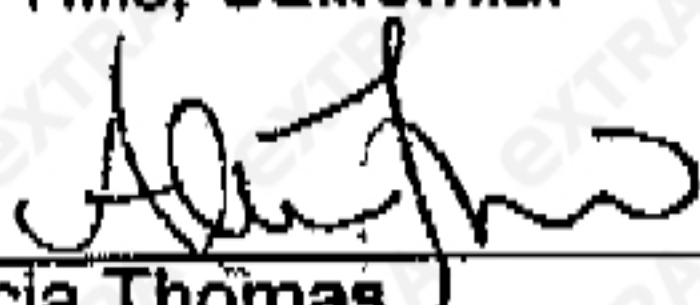
On December 21, 2016, I served the within document(s) described as: **REQUEST TO TAKE JUDICIAL NOTICE IN SUPPORT OF RESPONDENT'S RFO FOR SEALING** on the interested party(ies) in this action, as follows:

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| Laura Wasser, Esq. Wasser Cooperman & Mandles PC [REDACTED] | | D |

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 21, 2016 at Beverly Hills, California.


Alicia Thomas

YOUNG, SPIEGEL & LEE, LLP