

IN THE SUPREME COURT, THE STATE OF WYOMING

RACHEL RODRIGUEZ-WILLIAMS,
House District Representative;
CHIP NEIMAN, House District Representative;
and RIGHT TO LIFE OF WYOMING, INC.,

Appellants (Proposed Intervenors),

v.

S-23-0196

DANIELLE JOHNSON; KATHLEEN DOW;
GIOVANNINA ANTHONY, M.D.;
RENE R. HINKLE, M.D., CHELSEA'S FUND;
and CIRCLE OF HOPE HEALTHCARE d/b/a
Wellspring Health Access,

Appellees (Plaintiffs),

and

STATE OF WYOMING; MARK GORDON,
Governor of Wyoming; BRIDGET HILL,
Attorney General for the State of Wyoming;
MATTHEW CARR, Sheriff Teton County; and
MICHELE WEBER, Chief of Police,
Town of Jackson, Wyoming,

Appellees (Defendants).

APPELLEES'/PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE

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Circle of Hope Healthcare d/b/a
Wellspring Health Access

COME NOW Appellees/Plaintiffs, by and through undersigned counsel, in support of their *Request for Judicial Notice*, hereby state as follows:

Plaintiffs respectfully request that this Court take judicial notice of the documents listed below in considering this appeal. These documents are all documents filed in a related action in the District Court for Teton County.

- Attached to this Request as **Exhibit A** is a true and correct copy of the Order Granting Motion for Preliminary Injunction, *Johnson et al. v. Wyoming, et al.*, Civil Action No. 18732 (Dist. Ct. Teton Cnty. Aug. 10, 2022).
- Attached to this Request as **Exhibit B** is a true and correct copy of the Order Denying Motion to Intervene, *Johnson et al. v. Wyoming, et al.*, Civil Action No. 18732 (Dist. Ct. Teton Cnty., Nov. 30, 2022).
- Attached to this Request as **Exhibit C** is a true and correct copy of the November 21, 2022 Hearing Transcript, *Johnson et al. v. Wyoming, et al.*, Civil Action No. 18732 (Dist. Ct. Teton Cnty.).

In considering this appeal, the Court should take judicial notice of Exhibits A, B, and C, which are orders and a transcript from a related district court proceeding involving the same parties. These documents are all the proper subjects of judicial notice. Rule 201 of the Wyoming Rules of Evidence authorizes a court to “take judicial notice if requested by a party” of “[a] judicially noticed fact,” that is “not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Wyo. R. Evid. 201(b), (d). Under this rule, publicly-filed court

records, are facts “not subject to reasonable dispute” that are “capable of accurate and ready determination by resort to sources that cannot reasonable be questioned.” All of the Exhibits bear signatures from public officials in the district court acting in their official capacity, and Exhibit A and B specifically contain the signature of the presiding district court judge. *See* Ex. A (signature of judge); Ex. B (signature of judge); Ex. C (signature of official court reporter).

Under Wyoming law, a court may rely on court documents from another proceeding where “both parties have relied upon the opinion and judgment in the original case and have injected it in both their briefs and arguments.” *Weber v. Johnston Fuel Liners, Inc.*, 540 P.2d 535, 538 (Wyo. 1975). This reliance is especially appropriate where the earlier case involved the same parties and there is an “interrelationship of the[] actions.” *Id.* Both have occurred here. Both Appellants and Plaintiffs/Appellees relied on Exhibits A and B before the District Court, and Plaintiffs/Appellees also cited Exhibit C. R. at 690, 759–65, 771, 989. Plaintiffs/Appellees were plaintiffs in the prior action, in which Appellants also sought to intervene. And there is a clear “interrelationship” between the two actions as they both challenge various iterations of the Wyoming Legislature’s abortion statutes. Thus, judicial notice of these publicly-filed court documents is appropriate under Wyoming law.

Therefore, Plaintiffs/Appellees respectfully request the Court take judicial notice of Exhibits A, B, and C.

RESPECTFULLY SUBMITTED this 30th day of October 2023.

By: /s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October 2023, a true and correct copy of the foregoing was served via Wyoming Supreme Court C-Track Electronic Filing System to the following:

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