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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:	Case No. 10-32968-bam
SOUTH EDGE, LLC,	Chapter 11 (Involuntary)
Alleged Debtor.	**SECOND REQUEST FOR JUDICIAL NOTICE IN FURTHER SUPPORT OF MOTION OF SOUTH EDGE, LLC FOR DISMISSAL FOR CAUSE OF, OR, IN THE ALTERNATIVE, ABSTENTION FROM, THIS INVOLUNTARY CASE**
	Evidentiary Hearings
	Dates: January 24, January 26, February 2, February 3 & February 4, 2011
	Time: 9:30 a.m. (each day)
	Place: Courtroom #3 Foley Federal Building 300 Las Vegas Boulevard Las Vegas, NV 89101

Pursuant to Rule 201 of the Federal Rules of Evidence, South Edge, LLC, the alleged debtor in the above-captioned chapter 11 case ("South Edge"), respectfully requests that this Court take judicial notice of the document set forth below, consisting of certain materials filed in other litigations and which is referenced in the concurrently filed reply brief in support of the *Motion of South Edge, LLC for Dismissal for Cause of, or, in the Alternative, Abstention from, this Involuntary Case* (the "Motion to Dismiss/Abstain" [ECF No. 188]).

In their respective oppositions to the Motion to Dismiss/Abstain, both JPMorgan Chase Bank, N.A. and Credit Agricole Corporate and Investment Bank suggest that there is a ruling from *In re Meadowcraft, Inc.*, No. 09-10988 (BLS) (Bankr. D. Del.), that is legal authority for their individual standing to be petitioning creditors against South Edge, contrary to the terms of their own credit agreement. *See* JPM Opp'n at 16:20-23; CA Opp'n at 13 n.49. In point of fact, the alleged debtor in *Meadowcraft* consented to the entry of an order for relief within a week of that involuntary case's commencement, and the threshold standing issue was never raised by that debtor (let alone litigated or resolved by a court). The document that is the subject of this second request for judicial notice evidences this fact. Thus, *Meadowcraft* is not "recent case law" or other authority providing "clear precedential support" regarding the lenders' standing to file an involuntary petition. In actuality, no case law supports their position.

Publicly filed documents and adjudicative facts may be judicially noticed pursuant to FED. R. EVID. 201(b), because the content of such documents can be readily determined "by resort to sources whose accuracy cannot reasonably be questioned." *See Massachusetts v. Westcott*, 431 U.S. 322, 323 n.2 (1977). This Court may take judicial notice of pleadings and documents filed in any court of record, including other courts, if they have a direct relation to the matters at issue. *See, e.g., In re Heritage Bond Litig.*, 546 F.3d 667, 670 n.1 (9th Cir. 2008) ("Because these documents arise from proceedings that have a direct relation to this appeal, we grant the request."); *Singh v. Ashcroft*, 393 F.3d 903, 905 (9th Cir. 2004) ("Federal Rule of Evidence 201 permits us to take notice of any 'adjudicative' fact '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 be reasonably questioned.'"); *United States ex rel. Robinson*

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Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992) ("we 'may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue'").

Based on the foregoing, South Edge hereby requests that this Court take judicial notice of the following, true and correct copies of which are attached, and all as downloaded from each court's ECF/CM system:

Exhibit "X" *Consent of Alleged Debtor Meadowcraft, Inc. to Entry of Order for Relief*, Case No. 09-10988 (BLS) (Bankr. D. Del. Mar. 27, 2009) [ECF No. 9]

Dated: January 21, 2011

THE SCHWARTZ LAW FIRM, INC.

and

KLEE, TUCHIN, BOGDANOFF & STERN LLP

By: _____

DAVID M. STERN
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CERTIFICATE OF SERVICE

1. On January 21, 2011, I served the foregoing pleading, by the following means, to the persons as listed below:

(***Check all that apply***)

☒ **a. ECF System** (***You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary***)

[SEE ATTACHED NEF SERVICE LIST]

☒ **b. United States mail, postage fully prepaid**
(***List persons and addresses. Attach additional paper if necessary***)

[SEE ATTACHED U.S. MAIL SERVICE LIST]

☐ **c. Personal Service** (***List persons and addresses. Attach additional paper if necessary***)

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ **d. By direct email (as opposed to through the ECF System)**
(***List persons and email addresses. Attach additional paper if necessary***)

I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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☐ **e. By fax transmission (*List persons and fax numbers. Attach additional paper if necessary*)**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

_____

☐ **f. By messenger (*List persons and addresses. Attach additional paper if necessary*)**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

_____

I declare under penalty of perjury that the foregoing is true and correct.

Signed on (*date*): January 21, 2011, at Los Angeles, California.

Melissa Altamirano	***/s/ Melissa Altamirano***
(NAME OF DECLARANT)	(SIGNATURE OF DECLARANT)

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