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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE SOUTHERN DISTRICT OF NEW YORK**

10 JAMES DOMEN, an individual; and  
11 CHURCH UNITED, a California not-  
for-profit corporation

12 Plaintiffs,

13 v.

14 VIMEO, INC., a Delaware for-profit  
15 corporation; and DOES 1 through 25,  
inclusive,

16 Defendants.  
17

Case No. 1:19-cv-08418-AT

**REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S  
MOTION TO DISMISS**

18 Pursuant to Federal Rules of Evidence, Rule 201, in support of the Plaintiffs'  
19 Opposition to Defendant's Motion to Dismiss under Federal Rules of Civil Procedure,  
20 Plaintiffs request this court to take judicial notice of the five videos referenced in  
21 Plaintiffs' First Amended Complaint at paragraphs 33 to 38. This court may take  
22 judicial notice of documents referenced and incorporated by reference in a complaint  
23 for purposes of a motion to dismiss. *Nicosia v. Amazon.com, Inc.*, 834 F.3d 220, 234  
24 (2d Cir. 2016) (though plaintiff suing online merchant did not attach order page and  
25 2012 version of "Conditions of Use" page, they were mentioned in complaint's  
26 allegations relating to purchase, so district court properly considered them in  
27 resolving Fed. R. Civ. P. 12(b)(6) motion); *Faulkner v. Beer*, 463 F.3d 130, 133–135  
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