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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:16-CR-00051-BR**

**v.**

**AMMON BUNDY, et al.,**

**Defendants.**

**GOVERNMENT'S MOTION FOR  
JUDICIAL NOTICE REGARDING  
OWNERSHIP OF THE  
MNWR HEADQUARTERS AREA**

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and through Ethan D. Knight, Geoffrey A. Barrow, and Craig J. Gabriel, Assistant United States Attorneys, hereby moves the Court for judicial notice. The government has conferred with Marcus Mumford, counsel for defendant Ammon Bundy, who advises that defendant Bundy objects to this motion.

Federal Rule of Evidence 201 permits this Court to take judicial notice of adjudicative facts “not subject to reasonable dispute.” The Advisory Committee Note to the rule explains that “adjudicative facts” are those that “relate to the parties, their activities, their properties, their businesses.” Courts routinely take judicial notice of recorded property records. *See Grant v. Aurora Services, Inc.*, 736 F. Supp. 2d 1257, 1264 (C.D. Cal. 2010) (taking judicial notice of a recorded property deed, and listing seven other similar instances in which courts have taken judicial notice).

Filed concurrently with this motion for this Court’s consideration is the Declaration of Charles Houghton, a Department of Interior employee with knowledge of the ownership of the Malheur National Wildlife Refuge (MNWR). Mr. Houghton confirms that the MNWR is property of the federal government, and he attaches copies of recorded trust deeds to substantiate this fact. These deeds were recorded in Harney County, Oregon, and therefore, they constitute facts about a party (the federal government) that are not subject to reasonable debate. Consistent with Rule 201(f), however, the government’s proposal includes the caution that the jury “may” or “may not accept” this judicially notice fact as conclusive.

Pursuant to Fed. R. Evid. 201, the United States asks that this Court take judicial notice of the following adjudicative facts:

The Malheur National Wildlife Refuge is comprised of approximately 187,167 acres. On February 21, 1935, Harney County, Oregon, recorded a deed transferring land from a private entity to the federal government; the MNWR Headquarters is located on that property. The federal government also purchased the area located just north of the headquarters as reflected in  
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another warranty deed, also recorded in Harney County, Oregon. You may or may not accept these noticed facts as conclusive.

Dated this 9th day of September 2016.

Respectfully submitted,

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United States Attorney

*s/ Ethan D. Knight*

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