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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

United States of America,

Plaintiff,

v.

DAVE, INC., a Delaware corporation, and JASON WILK, an individual

Defendants.

CASE NO. 2:24-cv-09566-MRA (AGRx)

DEFENDANTS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT

Date: April 28. 2025
Time: 1:30 p.m.
Dept.: 10B
Judge: Hon. Monica Ramirez Almadani

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PLEASE TAKE NOTICE, that pursuant to Federal Rule of Evidence 201, Defendants Dave Inc. ("Dave") and Jason Wilks (collectively, "Defendants") hereby request that the Court judicially notice certain documents submitted in support of its Motion to Dismiss the Amended Complaint in this matter.

Exhibits 1-3 of the Pearl Declaration are true and correct copies of the documents described herein:

1. **Exhibit 1**: December 31, 2024 Form 8-K filed by Dave Inc. with the United States Securities and Exchange Commission and the enclosed press release.
2. **Exhibit 2**: February 20, 2025 Form 8-K filed by Dave Inc. with the United States Securities and Exchange Commission and the enclosed press release.
3. **Exhibit 3**: Form 10-K for the Fiscal Year ended December 31, 2022 filed by Dave Inc. with the United States Securities and Exchange Commission.

When deciding a motion to dismiss, courts may consider "documents attached to the complaint, documents incorporated by reference in the complaint, or matters of judicial notice—without converting the motion to dismiss into a motion for summary judgment." *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003).

Under Federal Rule of Evidence 201, a court may take judicial notice of matters of public record. This includes SEC filings. *See Mk Mgmt. v. Hartford Cas. Ins. Co.*, No. SA CV 19-01567-DOC (ADSx), 2019 U.S. Dist. LEXIS 232412, at *8 (C.D. Cal. Sep. 20, 2019) (taking judicial notice of a Form 10-k); *Dreiling v. Am. Express Co.*, 458 F.3d 942, 946 n.2 (9th Cir. 2006) (the court "may consider documents referred to in the complaint or any matter subject to judicial notice, such as SEC filings.").

Therefore, Defendants respectfully request that the Court take judicial notice

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of the three Exhibits referenced in this Request for Judicial Notice, attached to the Pearl Declaration, and cited in Defendants' Motion to Dismiss.

DATED: February 28, 2025

PAUL HASTINGS LLP

By: /s/ *James M. Pearl*
JAMES M. PEARL

Attorneys for Defendants