

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

AAL USA, INC.,)
)
 Plaintiff,)
)
 v.)
)
 BLACK HALL AEROSPACE, INC.,)
 et al.,)
)
 Defendants.)

Case No. 2:16-cv-02090-KOB

**This Document Relates Only to Case
2:17-cv-00399-KOB**

MEMORANDUM OPINION AND ORDER

This matter is before the court on Plaintiff AAL Group’s motion to strike Exhibit B to Defendants’ motion to dismiss. (Doc. 19). The court DENIES the motion.

Defendants moved to dismiss the complaint, attaching a number of exhibits. (*See* Doc. 7-1 to 7-10). Exhibit B is an amended complaint that Black Hall Aerospace (one of the defendants in this case) filed against AAL USA, Inc. and two of its officers (none of which are parties to this case) in the Circuit Court of Madison County, Alabama, in *Black Hall Aerospace, Inc. v. AAL USA Inc.*, 47-cv-2016-901750. (Doc. 7-3).

At the motion to dismiss stage, the court can take judicial notice of state court filings “for the purpose of determining what statements the documents contain and not to prove the truth of the documents’ contents.” *Bryant v. Avado Brands, Inc.*, 187 F.3d 1271, 1278 (11th Cir. 1999) (discussing public documents filed with the Securities and Exchange Commission); *see also Lozman v. City of Riviera Beach*, 713 F.3d 1066, 1075 n.9 (11th Cir. 2013) (“[W]e may take judicial notice of the court documents from the state eviction action.”). The court can take judicial notice of the fact that Black Hall Aerospace filed the amended complaint in the Madison County Circuit Court, and it can take judicial notice of the *allegations* that Black Hall Aerospace

made in its amended complaint in that case. But it cannot and will not accept as true any of those allegations, especially if they conflict with the allegations made by Plaintiff in its complaint in this case.

To the extent that Defendants filed Exhibit B to prove the existence of the amended complaint and the allegations made in it in the *Black Hall Aerospace* case, the court DENIES the motion to strike; the court will not consider Exhibit B for any other purpose.

DONE and **ORDERED** this 23rd day of October, 2017.

A handwritten signature in cursive script, reading "Karon O. Bowdre", written in black ink. The signature is positioned above a horizontal line.

KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE