

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FEDERATED LIFE INSURANCE
COMPANY,

Plaintiff,

v.

Case No: 2:14-cv-568-FtM-38CM

FIFTH THIRD BANK, ROBERT E.
TARDIF, FLORIDA PETROLEUM
COMPANY LLC, EVANS ENERGY
PARTNERS LLC, KC
TRANSPORTATION LLC, E2
REAL ESTATE LLC and EVANS
OKEECHOBEE LLC,

Defendants.

ORDER

This matter comes before the Court upon review of Fifth Third's Motion for Judicial Notice (Doc. 109) filed on December 19, 2016. Fifth Third requests the Court to take judicial notice of five filings from the docket in the United States Bankruptcy Court for the Middle District of Florida in Case Number 9:11-bk-01515-FMD. The filings are attached to the motion. Docs. 109-1 through 109-5. No party has filed a response in opposition and the time to do so has expired.

Rule 201 of the Federal Rules of Evidence permits a court to take judicial notice of facts that are "not subject to reasonable dispute" because they are either generally known within the trial court's territorial jurisdiction" or "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). A court must take judicial notice if a party requests it and

supplies the court with the necessary information. Fed. R. Evid. 201(c)(2). A court may take judicial notice of publicly filed documents in court proceedings. *See e.g., U.S. ex rel. Osheroff v. Humana Inc.*, 776 F.3d 805, 812 n. 4 (11th Cir. 2015); *United States v. Jones*, 29 F.3d 1549, 1553 (11th Cir. 1994) (“[A] court may take judicial notice of a document filed in another court not for the truth of the matters asserted in the other litigation, but rather to establish the fact of such litigation and related filings.”) (citation omitted).

ACCORDINGLY, it is hereby

ORDERED:

Fifth Third’s Motion for Judicial Notice (Doc. 109) is **GRANTED**. The Court will take judicial notice of Docs. 109-1 through 109-5 in considering the Motion to Intervene as Defendant, Reopen Interpleader, and Set Aside Judgment (Doc. 69).

DONE and **ORDERED** in Fort Myers, Florida on this 31st day of January, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record