

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

REGIONS BANK, an Alabama state chartered
bank, as successor in interest to AmSouth Bank,

Plaintiff,

v.

CASE NO: 8:13-cv-2627-T-26TBM

BING CHARLES W. KEARNEY, JR., and
TONYA NUHFER KEARNEY,

Defendants.

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ORDER

UPON DUE CONSIDERATION of Defendants' Motion for Court to Take Judicial Notice of Bank Document Filed in Plaintiff's Original Action (Dkt. 120), and Regions Bank's Response in Opposition (Dkt. 126), the Court concludes that the Motion should be denied. Taking judicial notice of a document filed or admitted into evidence in another lawsuit simply establishes the act of its filing, not the truth of the matters asserted in the document. See United States v. Jones, 29 F.3d 1549 (11th Cir. 1994). Defendants may not seek to contest the value of the aircraft at issue in another case that has been concluded. It is therefore **ORDERED AND ADJUDGED** that Defendants' Motion for Court to Take Judicial Notice of Bank Document Filed in Plaintiff's Original Action (Dkt. 120) is **DENIED**.

DONE AND ORDERED at Tampa, Florida, on February 11, 2015.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record