

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**SOUTHWEST GEORGIA  
FINANCIAL CORPORATION and  
EMPIRE FINANCIAL SERVICES,  
INC.,**

Plaintiffs,

v.

**COLONIAL AMERICAN CASUALTY :  
AND SURETY COMPANY, :**

Defendant. :

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Civil Action No. 7:08-cv-55(HL)

**ORDER**

Currently before the Court is Plaintiffs Southwest Georgia Financial Corporation and Empire Financial Services, Inc.'s Motion for Judicial Notice (Doc. 47). Defendant has not filed a response to this Motion.

Federal Rule of Evidence 201 governs judicial notice of adjudicative facts. "A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed.R.Evid. 201(b). A court is required to take judicial notice if requested by a party and supplied with the necessary information. Fed.R.Evid. 201(d).

The first two documents presented by Plaintiffs for consideration are two sections from the Code of Federal Regulations, 12 C.F.R. § 304.3 and 12 C.F.R. § 560.160. Both sections relate to banks and banking. The contents of the Code of Federal Regulations, which is published pursuant to the Federal Register Act<sup>1</sup>, are required to be judicially noticed. See Crimm v. Missouri Pac. R.R. Co., 750 F.2d 703, 710 n.3 (8th Cir.1984); Bayview Hunters Point Comm. Advocates v. Metro. Transp. Comm'n, 366 F.3d 692, 702 n.5 (9th Cir.2004); Washburn v. Shapiro, 409 F.Supp. 3 (S.D.Fla. 1976). Thus, the Court takes judicial notice of 12 C.F.R. § 304.3 and 12 C.F.R. § 560.160, attached to Plaintiffs' Motion as Exhibits 1 and 3, respectively.

Plaintiffs next request that the Court take judicial notice of certain administrative agency rules and regulations, including the Federal Financial Institutions Examination Council Instructions Glossary, two sections from the Office of Thrift Supervision Examination Handbook, and Chapter 80-1-10 of the Georgia Department of Banking and Finance Rules and Regulations.

"[A] Court may take judicial notice of the rules, regulations and orders of administrative agencies issued pursuant to their delegated authority." Int'l Bd. of Teamsters v. Zantop Air Transp. Corp., 394 F.2d 36, 40 (6th Cir.1968); see also Carter v. Am. Tel. & Tel. Co., 365 F.2d 486 (5th Cir.1966). Upon review, the Court finds these

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<sup>1</sup>The Federal Register Act, 44 U.S.C. § 1507, requires that the contents of the Federal Register be judicially noticed.

documents appropriate for judicial notice under Rule 201(b)(2). Thus, the Court takes judicial notice of Exhibits 2, 4, 5, and 6 attached to Plaintiffs' Motion.

Finally, Plaintiffs request that the Court take judicial notice of 17 pages printed from the Federal Deposit Insurance Corporation's ("FDIC") website. These particular printouts are "Bank Find" queries. The "Bank Find" feature on the FDIC's website, located at [http://www2.fdic.gov/idasp/main\\_bankfind.asp](http://www2.fdic.gov/idasp/main_bankfind.asp), allows a person to locate FDIC-insured institutions using the bank's name or an address. Plaintiffs have made "Bank Find" queries for 17 banking institutions, and the FDIC website identifies each as an FDIC-insured bank. The Court does not believe the fact of whether these institutions are FDIC-insured can reasonably be disputed. Accordingly, the Court takes judicial notice of Exhibits 7 through 23 attached to Plaintiffs' Motion.

In sum, the Court **GRANTS** Plaintiffs' Motion for Judicial Notice in its entirety, and takes judicial notice of the facts contained in Exhibits 1 through 23.

**SO ORDERED**, this the 19<sup>th</sup> day of May, 2009.

***s/ Hugh Lawson***  
**HUGH LAWSON, SENIOR JUDGE**

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