

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for First
National Bank,

Plaintiff,

v.

CHARLES K. WERK,

Defendant.

Civil Action File No.:

5:22-MC-00007-TES

ORDER ON PETITION FOR WRIT OF SCIRE FACIAS
TO REVIVE JUDGMENT

The Federal Deposit Insurance Corporation, by and through its successor-in-interest, The Cadle Company II, Inc. ("**Cadle**"), filed a *Petition for Issuance of Scire Facias to Revive Dormant Judgment* (the "**Petition**") on February 14, 2023. In the Petition, Cadle requested a writ of scire facias to revive a final judgment entered by the United States District Court for the District of South Carolina on March 26, 2013, in favor of the Federal Deposit Insurance Corporation (the "**FDIC**"), as Receiver for First National Bank, and against Charles K. Werk in the total amount of \$2,710,563.82 (the "**Foreign Judgment**"), which was assigned to Cadle and registered with this Court in this action on December 13, 2022. By operation of O.C.G.A. § 9-12-132, made applicable in this Court by Fed. R. Civ. P.

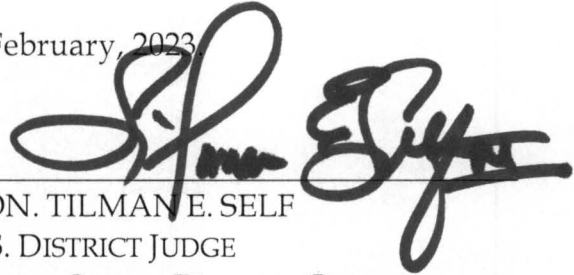
69(a)(1), the Foreign Judgment became the judgment of this Court (the "**Domesticated Judgment**") once filed in this action. *See United States v. Fiorella*, 869 F.2d 1425 (11th Cir. 1989) (reasoning that, under Rule 69(a), Alabama law governed the revival of judgment that had been entered by the United States District Court for the Northern District of Alabama).

Based on the Court's review of the Petition, it appears that a writ of scire facias should issue commanding Charles K. Werk to appear at the Federal Courthouse located at 475 Mulberry Street, Macon, Georgia at 1:30 p.m. on March 14, 2023, and show cause why the Domesticated Judgment should not be revived. Accordingly, it is hereby

ORDERED that Cadle's request for a writ of scire facias is GRANTED, and the Clerk of this Court is directed to execute and issue a writ of scire facias in the form attached hereto as **Exhibit A**. The Clerk shall also enter such writ on the docket in this case and deliver the original and one copy of the writ to Cadle's counsel of record, Tyler W. Henderson, at Jones & Walden LLC, 699 Piedmont

Avenue, NE, Atlanta, Georgia 30308.

SO ORDERED this 21 day of February, 2023

A handwritten signature in black ink, appearing to read 'T. E. Self', written over a horizontal line.

HON. TILMAN E. SELF
U.S. DISTRICT JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

This Order prepared and presented by:

JONES & WALDEN LLC

/s/ Tyler W. Henderson

Tyler W. Henderson

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