

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ALPHA PHI ALPHA FRATERNITY  
INC., et al.,

*Plaintiffs,*

vs.

BRAD RAFFENSPERGER, in his  
official capacity as Secretary of State  
of Georgia.

*Defendant.*

**Case No. 1:21-CV-5337-SCJ**

**PLAINTIFFS' MOTION FOR JUDICIAL NOTICE**

## **INTRODUCTION**

The 2021 Infrastructure Investment and Jobs Act (H.R. 3684), through an amendment sponsored by Senators Raphael Warnock and Ted Cruz, designates an expansion of Interstate 14 across Georgia. As a result of H.R. 3684, the planned Interstate 14 will connect communities that would share representation under the illustrative state legislative maps Plaintiffs submitted in this case. The Court should take judicial notice of facts related to the expansion because they are “not subject to reasonable dispute,” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

## **FACTS TO BE NOTICED**

Plaintiffs seek judicial notice of the following facts:

1. The Infrastructure Investment and Jobs Act (H.R. 3684), specifically the Cruz-Warnock amendment thereto, designates an expansion of Interstate 14 from Texas through Georgia.
2. The “Middle Georgia Corridor” section of the newly expanded Interstate 14 will run from Columbus to Augusta-Richmond County, and connect Macon, Milledgeville, Wrens, and Augusta, Georgia.

## LEGAL STANDARD AND ARGUMENT

“Judicial notice is a means by which adjudicative facts not seriously open to dispute are established as true without the normal requirement of proof by evidence.” *Dippin’ Dots, Inc. v. Frosty Bites Distribution, LLC*, 369 F.3d 1197, 1204 (11th Cir. 2004). As relevant here, the party seeking notice must show that a fact “is not subject to reasonable dispute because it ... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Facts relating to the planned expansion of Interstate 14, including the path that expansion will take, are accurately and readily determined by reference to official government records and thus properly subject to judicial notice.

“It is commonplace for a court to take judicial notice of information relating to a particular road.” In general—Public thoroughfares, 1 Jones on Evidence § 2:60 (7th ed.); *see also Weaver v. United States*, 298 F.2d 496, 499 (5th Cir. 1962) (noting the propriety of taking “judicial notice of the location of certain streets in relation to the surrounding community”); *I. C. C. v. Barron Trucking Co.*, 276 F.2d 275, 277 (3d Cir. 1960) (“One may take judicial notice of the fact that the highway proceeds up into New England and goes south through Delaware and below.”); *Bishop v. C & P Trucking Co.*, 840 F. Supp. 118, 119 (N.D. Ala. 1993)

(taking judicial notice of the fact “that there is a four-lane interstate highway connecting Gadsden, Alabama, with Birmingham, Alabama”); *United States v. Hortze*, 179 F. Supp. 913, 915 (S.D. Cal. 1959) (taking judicial notice that a particular “highway is a main thoroughfare between Mexico to the South and the United States, and runs directly from the port of entry at San Ysidro, California to the city of Los Angeles, California and other major California cities to the north”). Similarly, “official government maps have long been held proper subjects of judicial notice.” *Gov’t of the Canal Zone v. Burjan*, 596 F.2d 690, 694 (5th Cir. 1979); *United States v. Proch*, 637 F.3d 1262, 1266 n.1 (11th Cir. 2011) (taking judicial notice of a map). So too for maps whose accuracy cannot reasonably be disputed. *See, e.g., Cobb Theatres III, LLC v. AMC Ent. Holdings, Inc.*, 101 F. Supp. 3d 1319, 1329 (N.D. Ga. 2015) (noting courts “commonly take judicial notice of information obtained specifically from Google Maps”).

Here, Plaintiffs seek judicial notice of two facts “relating to a particular road.” 1 Jones on Evidence § 2:60. First, that the Infrastructure Investment and Jobs Act (H.R. 3684), specifically the Cruz-Warnock amendment thereto, designates an expansion of Interstate 14 from Texas through Georgia. And second, that the newly expanded Interstate 14 will run from Columbus to Augusta-

Richmond, and connect the Macon metropolitan area, Milledgeville, Wrens, and Augusta, Georgia.

This information is readily discernable from sources whose accuracy cannot be questioned, including the text of H.R. 3684,<sup>1</sup> the text of the Cruz-Warnock Amendment to H.R. 3684,<sup>2</sup> and a map of the planned expansion that is available on Senator Raphael Warnock's official U.S. Senate website.<sup>3</sup> These public government sources demonstrate that the Interstate 14 expansion creates an interstate highway from Texas to Georgia, connecting metropolitan Macon and the communities of Milledgeville, Wrens, and Augusta, Georgia. This interstate runs through one of Plaintiffs' Illustrative Senate Districts in the eastern Black Belt of Georgia, and Congress has specifically designated communities in Plaintiffs' illustrative districts (including Milledgeville and Wrens) as part of the Interstate 14 Corridor. Because the interests shared by communities in the eastern Black Belt of Georgia are directly relevant to this case and the accuracy of Interstate 14's

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<sup>1</sup> H.R.3684 - Infrastructure Investment and Jobs Act, Public Law 117-58, available at <https://www.congress.gov/bill/117th-congress/house-bill/3684/text>

<sup>2</sup> <https://www.warnock.senate.gov/wp-content/uploads/2021/08/I-14-Warnock-Cruz-text.pdf>

<sup>3</sup> <https://www.warnock.senate.gov/wp-content/uploads/2021/08/i-14-Texas-Georgia-Map.pdf>

planned route cannot reasonably be questioned, these facts are properly subject to judicial notice. *See Dippin' Dots, Inc.*, 369 F.3d at 1204.

### **CONCLUSION**

For these reasons, the Court should grant Plaintiffs' motion for judicial notice.

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1**

The undersigned hereby certifies that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a point size of 14.

*/s/ Rahul Garabadu* \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused to be served the foregoing *Plaintiffs' Motion for Judicial Notice* with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel or parties of record on the service list:

This 22nd day of August, 2023.

/s/ Rahul Garabadu