

2012 WL 10478553
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United States Court of Appeals,
Eleventh Circuit.

Warren RATCHFORD, Plaintiff–Appellee,
v.
FIRST SOUTHERN BANCORP, d.b.a. First
Southern National Bank, Defendant–Appellant,
[Mid–Rock, LLC](#), Defendant.

No. 12–10492–EE.
|
Oct. 3, 2012.

Attorneys and Law Firms

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Corporation, Arlington, VA, for Defendant–Appellant.

On Appeal from the United States District Court for the
Southern District of Georgia.

Before [BARKETT](#), [PRYOR](#), and [JORDAN](#), Circuit
Judges.

Opinion

BY THE COURT:

*1 Before the Court is the “Motion of the Federal Deposit Insurance Corporation to Lift Stay and For Summary Reversal.” In its January 4, 2012, remand order, the district court determined that it did not have subject-matter jurisdiction because the Federal Deposit Insurance Corporation (“the FDIC”) did not obtain a state court order substituting the FDIC as a party before removing the action to federal court.

We stayed this appeal pending the resolution of appeal number 11–12784. On July 12, 2012, this Court issued a published opinion in appeal number 11–12784. See *FDIC v. North Savannah Properties, LLC*, 686 F.3d 1254 (11th Cir.2012). We held that the FDIC becomes a party for purposes of removal under 12 U.S.C. § 1819(b)(2)(B) once it is appointed receiver and files a notice of substitution. *North Savannah Properties*, 686 F.3d at 1256. We concluded that it is not necessary for the state court to have entered an order of substitution for subject-matter jurisdiction to exist in the federal court. See *id.* at 1260.

In the instant case, the FDIC was appointed receiver and filed its notice of substitution prior to removing the case to district court. In light of our reasoning in *North Savannah Properties*, the “Motion ... to Lift Stay and for Summary Reversal” is GRANTED. We hereby LIFT the stay of this appeal. We VACATE the district court’s January 4, 2012, remand order.

All Citations

Not Reported in F.3d, 2012 WL 10478553