

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

SPORT & WHEAT CPA PA, a Florida
corporation, individually and on behalf
of a class of similarly situated
businesses and individuals,

Plaintiff,

v.

SERVISFIRST BANK INC, *et. al.*

Defendants.

Case No. 3:20-cv-05425-TKW-HTC

DEFENDANT THE FIRST'S INITIAL DISCLOSURES

Defendant The First, A National Banking Association (“The First”) makes the following initial disclosures, as required by Rule 26(a) of the Federal Rules of Civil Procedure.

PRELIMINARY STATEMENT

These Initial Disclosures are the product of The First’s investigation to date and contain information reasonably available to it. These Initial Disclosures are not intended to be a disclosure of all witnesses and evidence that The First may offer at trial, but is a preliminary disclosure statement subject to supplementation after further information is obtained and discovery is undertaken. These Initial Disclosures represent a good faith effort at this stage to identify individuals and documents or other tangible things that The First reasonable believes may be used

to support its defense of this action. The First reserves the right to amend or supplement these disclosures as discovery and the case progress.

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

Name	Address	Subjects of Information
Jarrett Nicholson – The First	c/o Alston & Bird LLP 1201 West Peachtree Street Atlanta, Georgia 30309	• Information about The First’s practices with respect to PPP loans
Hayden Mitchell – The First	c/o Alston & Bird LLP 1201 West Peachtree Street Atlanta, Georgia 30309	• Information about The First’s practices with respect to PPP loans
Jennifer Micklos – The First	c/o Alston & Bird LLP 1201 West Peachtree Street Atlanta, Georgia 30309	• Information about PPP loan to the borrower at issue in the Amended Complaint

The foregoing individuals can be contacted through the undersigned counsel.

The First reserves the right also to rely on the testimony of any individual identified in the Rule 26 disclosures of any other party, any individual identified in the responses of any party to Interrogatories, and any individual deposed in this action.

The First further reserves the right to amend this list to add or remove names and

subjects of information required to be identified under the Federal Rules of Civil Procedure.

B. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

The First identifies the following documents, electronically stored information, and tangible things that it has in its possession, custody or control and may use to support any position in this case:

1. Paycheck Protection Program Borrower Applications Forms and related documents;
2. SBA Paycheck Protection Program Borrower and Agent Agreements and related documents;
3. Documents related to The First's Implementation of the Paycheck Protection Program;
4. Paycheck Protection Program Borrower Applications Forms for the borrower at issue in the Amended Complaint; and
5. Communications between The First and the borrower at issue in the Amended Complaint.

The First will not produce documents that are protected from discovery by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or protection from discovery. Furthermore, The First will produce any

confidential and proprietary information pursuant to any protective order to be entered in this case.

The First reserves the right to amend this list to add or remove categories of documents and things required to be identified under the Federal Rules of Civil Procedure.

C. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

The First does not seek monetary damages in this case. The First reserves the right to supplement and amend this disclosure.

D. For inspection under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

The First denies any liability to Plaintiffs. The First will make any such policies available for inspection and copying pursuant to Rule 34 at a mutually agreeable location, date, and time and subject to the entry of an appropriate Confidentiality Protective Order.

* * *

Nothing herein shall be construed as a waiver of The First's rights, defenses, or positions in this matter. The First expressly does not waive any, and reserves all, of its rights, defenses, and positions, whether or not stated herein.

Respectfully submitted this 1st day of July 2020.

/s/Christopher A. Riley
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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July 2020, I served the foregoing via electronic mail to the following persons:

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