

Bill Cash

From: Jim Butler <jim@butlerwooten.com>
Sent: Wednesday, June 17, 2020 13:18
To: James F. McDonough, III; 'mark@geragos.com'; 'ben@geragos.com'; W. Lewis Garrison, Jr.
Cc: 'Nathanson, Paul J.'; Philip Bates (pbates@philipbates.net); Ramsey Prather; Haynes, Antonio M.; Kim McCallister
Subject: RE: Case 1:20-cv-02026-MLB Alliant CPA Group, LLC v. Bank of America, Corp. et al

This is not “discovery.” We are entitled to know whether you even have a claim against our client. Ordinarily one would expect the requested information to be disclosed in the Complaint. It is very basic information.

Whether Alliant in fact served as an “agent” for a Synovus borrower has Rule 11 implications. So does your refusal to provide this basic information. Synovus is being forced to go to expense and trouble addressing a Complaint that purports to make claims that seem to not exist. You have conceded the propriety of providing that basic information by dismissing UCB because Alliant did not in fact purport to act as an “agent” for any UCB borrower.

As to your question, you already know that Synovus does not agree that it is “required” to pay agents fees. But we’ll consider a request from Alliant that discloses what Synovus borrower Alliant supposedly aided, and what Alliant did to assist that borrower, and what specific fee Alliant claims is owed by Synovus, and whether the borrower agrees Alliant did that work and that the claimed fee is justifiable. Will you provide that information? If you decline, that means Synovus will continue to have to pay attorneys fees and have its business operations interrupted by searching for information about your claim that you refuse to provide.

Thanks

Jim Butler

From: James F. McDonough, III [mailto:jmcdonough@hgdllawfirm.com]
Sent: Wednesday, June 17, 2020 1:34 PM
To: Jim Butler <jim@butlerwooten.com>; 'mark@geragos.com' <mark@geragos.com>; 'ben@geragos.com' <ben@geragos.com>; W. Lewis Garrison, Jr. <lewis@hgdllawfirm.com>
Cc: 'Nathanson, Paul J.' <paul.nathanson@davispolk.com>; Philip Bates (pbates@philipbates.net) <pbates@philipbates.net>; Ramsey Prather <Ramsey@butlerwooten.com>; Haynes, Antonio M. <antonio.haynes@davispolk.com>; Kim McCallister <kim@butlerwooten.com>
Subject: RE: Case 1:20-cv-02026-MLB Alliant CPA Group, LLC v. Bank of America, Corp. et al

Thanks, Jim. We’re in receipt of your request and will consider whether we’ll engage in any discovery before discovery is open. Does Synovus agree that it is required to pay agent fees?



James F. McDonough, III

Partner

3621 Vinings Slope, Suite 4320, Atlanta GA 30339

Tel: 404.996.0869 | Fax: 205.547.5504

jmcdonough@hgdllawfirm.com | www.hgdllawfirm.com

From: Jim Butler <jim@butlerwooten.com>

Sent: Wednesday, June 17, 2020 1:20 PM

To: 'mark@geragos.com' <mark@geragos.com>; 'ben@geragos.com' <ben@geragos.com>; James F. McDonough, III <jmcdonough@hgdllawfirm.com>; W. Lewis Garrison, Jr. <lewis@hgdllawfirm.com>

Cc: 'Nathanson, Paul J.' <paul.nathanson@davispolk.com>; Philip Bates (pbates@philipbates.net) <pbates@philipbates.net>; Ramsey Prather <Ramsey@butlerwooten.com>; Haynes, Antonio M. <antonio.haynes@davispolk.com>; Kim McCallister <kim@butlerwooten.com>

Subject: Case 1:20-cv-02026-MLB Alliant CPA Group, LLC v. Bank of America, Corp. et al

Plaintiff's Counsel:

Your complaint alleges that Alliant CPA Group, LLC “served as the Agent and was an Agent for small businesses applying for the PPP loans to be lent by the Defendants,” including Synovus Bank. (Para. 37.)

Synovus Bank has been investigating whether your client, Alliant CPA, served as an agent for any borrower that obtained a PPP loan through Synovus Bank. Based on our investigation, we find no evidence of that.

So that we can fully evaluate Synovus Bank's options, please promptly let us know who exactly, if anyone, Alliant CPA served as an agent for in connection with a PPP loan made by Synovus Bank.

Please send to us copies of any documentation proving that Alliant served as an agent for a PPP borrower from Synovus Bank.

We look forward to an immediate and complete response before Synovus is required to spend any more money defending what appears to be a claim that does not exist.

Thank you.

James E. Butler, Jr.
BUTLER WOOTEN & PEAK
Atlanta – Columbus – Savannah