

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

	y	
	:	
SPORT & WHEAT CPA PA, a Florida	:	
corporation, individually and on behalf of	:	
a class of similarly situated businesses and	:	Case No. 3:20-cv-05425-
individuals,	:	TKW-HTC
	:	
	:	
Plaintiff,	:	
	:	
	:	
v.	:	
	:	
SERVISFIRST BANK INC.; SYNOVUS	:	
BANK; THE FIRST, A NATIONAL	:	
BANKING ASSOCIATION; and	:	
TRUIST BANK,	:	
Defendants.	:	
	:	
	x	

**DEFENDANT SYNOVUS BANK’S MOTION
FOR LEAVE TO FILE REPLY BRIEF IN SUPPORT
OF ITS MOTION TO TERMINATE RULE 30(b)(6) DEPOSITION**

Synovus seeks leave to file a short reply brief for the purpose of addressing what appears to be a request for attorney’s fees under Federal Rule of Civil Procedure 37 contained within Plaintiff’s response to Synovus’ Motion to Terminate its Rule 30(b)(6) Deposition. Synovus has good cause for this request. Plaintiff admits in its response brief that it chose not to file a motion to compel under Federal Rule of Civil Procedure 37, which would have given Synovus an

opportunity to respond to Plaintiff's newly-raised request for fees. ECF Doc. 73 at 31. Given that Plaintiff is apparently seeking such fees and has included in its response brief arguments regarding why it believes, incorrectly, that such fees are warranted, Plaintiff's decision to refrain from filing a standalone motion for attorney's fees will deprive Synovus of the ability to respond to Plaintiff's request absent an order permitting Synovus to file a reply brief.

Respectfully submitted, this 7th day of July, 2020.

By: /s/Ramsey B. Prather

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1(B) AND (C)

Pursuant to Local Rule 7.1(B) & (C), undersigned counsel certifies that he attempted in good faith to resolve the issue through a meaningful conference with an attorney for the adverse party during a July 7, 2020 telephone conference and over email that day but was unable to do so as Plaintiff's counsel indicated that Plaintiff's consent would have to be contingent upon Synovus' agreement to certain vague conditions regarding the scope of the reply.

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LOCAL RULE 7.1(F) WORD LIMIT CERTIFICATION

Pursuant to Northern District of Florida Local Rule 7.1(F), I certify that Defendant Synovus Bank's Motion to File Reply Brief in Support of Its Motion to Terminate Rule 30(b)(6) Deposition is in compliance with the Court's word limit. According to the word processing program used to prepare this motion, the document contains 152 words, excluding the case style, signature block, and this certification.

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