

**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-5425-TKW-HTC

**PLAINTIFF SPORT & WHEAT’S RESPONSE REGARDING
SYNOVUS BANK’S MOTION FOR LEAVE TO FILE A REPLY
(ECF No. 74)**

Sport & Wheat conditionally consented to Synovus’s motion for leave to file a reply today during a conference under Loc. R. 7.1(B). Sport & Wheat asked Synovus to include this response in its Rule 7.1(B) certificate:

Sport & Wheat stated as follows: It consents to Synovus filing a reply, so long as the reply is limited to just the issue of whether Synovus can be obligated to pay Sport & Wheat’s attorney fees in connection with this motion. Sport & Wheat does not consent to a reply that raises new issues, injects irrelevant material, or is inflammatory.

Synovus refused to pass that message to the Court, calling it “divisive,” Ex. A, so Sport & Wheat is stating it here. If Synovus will limit itself to truly new issues that haven’t already been briefed, then there is no reason to object to a reply.

During the call, Sport & Wheat also offered—again—to have the parties try to amicably resolve this dispute by taking down both Synovus’s motion *and* Sport & Wheat’s request for attorney fees. Synovus refused that as well. (Ex. A.)

Sport & Wheat is acting respectfully and is trying to resolve disputes in good faith without taxing the Court. This entire motion was and is moot, and Sport & Wheat wants the Court to know it is not the party pressing the issue.

Dated: July 6, 2020

Respectfully submitted,

/s/ William F. Cash III

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