

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

REGIONS BANK, etc.,

Plaintiff,

v.

CASE NO. 8:12-CV-1837-T-17MAP

MARVIN I. KAPLAN, etc.,  
et al.,

Defendants.

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ORDER

This cause is before the Court on:

Dkt. 521 Bank Parties' Motion to File Single Statement of Undisputed  
Facts For Summary Judgment Motions and to Exceed Page Limit  
Dkt. 525 Response

Plaintiff/Counter-Defendant Regions Bank and Crossclaim Defendants Wells Fargo Bank, N.A. and Bridgeview Bank Group ("Bank Parties") jointly move for leave to file a single combined statement of undisputed facts in support of their respective summary judgment motions, not to exceed 45 pages. Each Bank Party intends to file a separate motion for summary judgment.

The Bank Parties argue that many of the facts on which the Bank Parties' summary judgment motions will rely are common to the Bank Parties' summary judgment motions; the filing of one joint statement of undisputed facts will eliminate redundant and unnecessary presentations, and overlap.

Defendants/Counter-Claimants/Cross-Claimants Marvin I. Kaplan, R1A Palms,

Case No. 8:12-CV-1837-T-17MAP

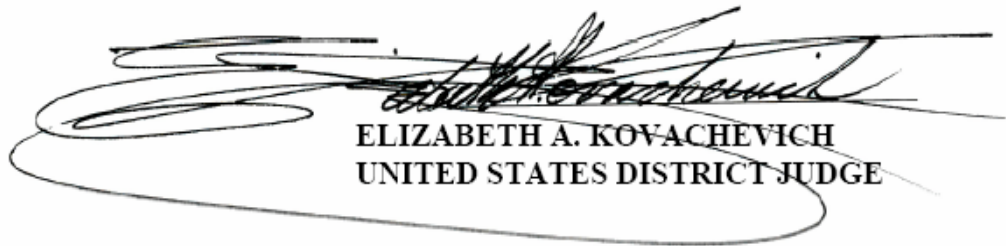
LLC, Triple Net Exchange, LLC, MK Investing, LLC and BNK Smith, LLC (“Kaplan” or “Kaplan Entities”) oppose the Joint Motion for leave to file a single Statement of Undisputed Facts. The Kaplan Parties argue that the procedure outlined in the Third Amended Case Management Report requires each moving party to file a separate Statement of Undisputed Facts that does not exceed 20 pages, and that the Bank Parties should not be permitted to file one 45-page joint Statement of Undisputed Facts rather than three separate 20-page Statements of Undisputed Facts in an effort to gain a tactical advantage. The Kaplan Parties further argue that many of the offered facts will be immaterial to an individual motion for summary judgment, as there are issues and claims which are not in common.

This case is a complex case involving multiple parties and multiple claims. The Court may tailor standard procedures to fit the needs of a particular case, and the Court finds it is appropriate to do so in this case. After consideration, the Court grants the Bank Parties’ Motion to File Single Statement of Undisputed Facts For Summary Judgment Motions and To Exceed Page Limit. The single Statement of Undisputed Facts shall not exceed 45 pages. Within the Statement of Undisputed Facts, the Bank Parties shall designate the undisputed facts which are in common, and shall designate the undisputed facts which relate only to one individual motion for summary judgment, if any. Accordingly, it is

**ORDERED** that the Bank Parties’ Motion to File Single Statement of Undisputed Facts For Summary Judgment Motions and to Exceed Page Limit (Dkt. 521) is **granted**; the Joint Statement of Undisputed Facts shall not exceed 45 pages, and within the Statement of Undisputed Facts, the Bank Parties shall designate the undisputed facts which are in common, and shall designate the undisputed facts which relate only to one individual motion for summary judgment, if any.

Case No. 8:12-CV-1837-T-17MAP

**DONE and ORDERED** in Chambers in Tampa, Florida on this 4th day of November, 2015.



ELIZABETH A. KOVACHEVICH  
UNITED STATES DISTRICT JUDGE

Copies to:  
All parties and counsel of record