

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

REGIONS BANK, an Alabama state chartered  
bank, as successor in interest to AmSouth Bank,

Plaintiff,

v.

CASE NO: 8:13-cv-2627-T-26TBM

BING CHARLES W. KEARNEY, JR., and  
TONYA NUHFER KEARNEY,

Defendants.

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**ORDER**

**UPON DUE CONSIDERATION** of Defendants' Motion for Summary Judgment (Dkt. 102), it is **ORDERED AND ADJUDGED** that the motion is denied. This case is set for a nonjury trial during the March 2015 trial month commencing March 2, 2015.<sup>1</sup> Neither credibility determinations nor weighing the evidence may play any role in summary judgment proceedings. See Reeves v. Sanderson Plumbing Prods, Inc., 530 U.S. 133, 150, 120 S.Ct. 2097, 147 L.Ed. 2d 105 (2000); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 254, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986). The Court will be in a much better position to rule on the merits at the bench trial, and the case would benefit from proceeding to a full trial. See Lind v. United Parcel Serv., Inc., 254 F.3d 1281, 1285

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<sup>1</sup> See docket 90.

(11th Cir. 2001) (citations omitted). In the interest of judicial economy, summary judgment is denied.

**DONE AND ORDERED** at Tampa, Florida, on January 8, 2015.

*s/Richard A. Lazzara*  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record