

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

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

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 and careful consideration of the procedural history of this case, together with the parties' written submissions, it is ordered and adjudged that the Defendants' Second Motion to Strike and Exclude Testimony of Regions Bank's Previously Undisclosed Fact Witness (Dkt. 137) is once again denied. The Defendants have offered no persuasive arguments as to why Mr. Kent Harrell should be excluded in a pre-trial order from testifying at the non-jury trial in this case. The Defendants are free to renew their objections to this witness' testimony at the appropriate juncture of the trial.

**DONE AND ORDERED** at Tampa, Florida, on February 24, 2015.

s/Richard A. Lazzara

**RICHARD A. LAZZARA  
UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**

Counsel of Record