

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

**SYNOVUS BANK, formerly known as  
Columbus Bank and Trust Company,  
as successor in interest through name  
change and by merger with Coastal  
Bank and Trust of Florida, successor by  
merger to Bank of Pensacola,**

**Plaintiff,**

v.

**CASE NO. 3:12-cv-135-RS-EMT**

**SIMS & LYONS INVESTMENTS, a  
Florida general partnership d/b/a  
S & L INVESTMENTS, CRAIG R.  
SIMS, and MARK LYONS, III,**

**Defendants.**

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**ORDER**

Before me are Plaintiff's Motion for Summary Judgment (Doc. 58) and Defendant's Affidavit of Craig R. Sims (Doc. 64) and Deposition of Craig R. Sims (Doc. 69) in opposition. On March 6, 2013, I entered an Order extending the time to respond to Plaintiff's Motion for Summary Judgment to March 18, 2013. However, Defendant failed to file a responsive memorandum. Defendant only filed the deposition. N.D. Fla. Loc. R. 7.1(C)(1) states, "Each party opposing a motion shall have fourteen (14) days from the date of service of the motion in which to file and serve a responsive memorandum with citation of authorities in opposition to the motion. ... Failure to file a responsive memorandum may be sufficient cause to grant

the motion.” Because Defendant failed to file a responsive memorandum, pursuant to N.D. Fla. Loc. R. 7.1(C)(1), Plaintiff’s motion is **GRANTED**.

**IT IS ORDERED:**

- Defendants are jointly and severally liable for the following damages:

(a) Principal	\$166,178.83
(b) Interest up to February 15, 2013	\$20,881.60
(c) Late Fees	\$1,000.00
<b>TOTAL</b>	<b>\$188,060.43</b>

The amount continues to accrue interest at the per diem rate of \$21.9264.

- Plaintiffs are also entitled to attorneys’ fees and costs pursuant to Local Rule 54.1 and shall file a motion for attorneys’ fees and costs not later than May 1, 2013.
- Additionally, although this case is consolidated with the *Quail Lake* case, Case No. 3:12-cv-132, there is no just reason for delay for entry of judgment in this case. *See* Fed. R. Civ. P. 54(b).
- The Clerk is directed to close the case.

**ORDERED** on April 2, 2013.

/S/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**