## THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:11cv328

SYNOVUS BANK,	)
Plaintiff,	)
VS.	) <u>MEMORANDUM OF</u>
THOMAS ROBERT HOLMLUND and ANTOINETTE HOLMLUND,	) <u>DECISION AND ORDER</u> ) )
Defendants/ Third-Party Plaintiffs,	) ) )
VS.	)
SYNOVUS FINANCIAL CORP. d/b/a NATIONAL BANK OF SOUTH CAROLINA, et al.,	) ) )
Third-Party Defendants.	) )

**THIS MATTER** is before the Court on the Plaintiff Synovus Bank's Motion to Dismiss Counterclaims [Doc. 5] and the Third Party Defendant Synovus Financial Corp.'s Motion to Dismiss Third Party Claims [Doc. 6].

Also pending before the Court is the case of <u>Synovus Bank v. Coleman</u>, Civil Case No. 1:11cv66 (W.D.N.C.). The facts, legal issues, and causes of action asserted by the parties in the present case are virtually identical to those presented in <u>Coleman</u>, and the same attorney represents the Defendants in both cases. Even though the cases have not been consolidated, the decision of this Court in the Order being entered contemporaneously herewith in <u>Coleman</u> addresses and disposes of all of the issues raised by the motions currently before the Court in this matter. The Order in <u>Coleman</u>, therefore, is incorporated herein, and the current motions will disposed of in accord therewith.

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IT IS, THEREFORE, ORDERED that the Plaintiff Synovus Bank's Motion to Dismiss Counterclaims [Doc. 5] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Bank's Motion to Dismiss the Defendants' ILSA claim is **DENIED**. In all other respects, the Bank's Motion to Dismiss is **GRANTED**, and all of the Defendants' counterclaims, with the exception of their ILSA claim, are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Third Party Defendant Synovus Financial Corp.'s Motion to Dismiss Third Party Claims [Doc. 6] is **GRANTED**, and the Defendants' Third Party Claims against Synovus Financial Corp. are hereby **DISMISSED WITH PREJUDICE**. **IT IS FURTHER ORDERED** that the parties shall conduct an initial attorneys' conference within fourteen (14) days of the entry of this Order and shall file a Certificate of Initial Attorneys' Conference within seven (7) days thereafter.

IT IS SO ORDERED.

Signed: August 15, 2012 Martin Reidinger United States District Judge