


Kevin H. Sharp

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

GARY BENSON,

PLAINTIFF,

V.

BANK OF AMERICA, N.A. AND BAC HOME
LOANS SERVICING, LP F/K/A
COUNTRYWIDE HOME LOANS SERVICING,
LP,

DEFENDANTS.

Civil Action No.: 2:14-0053
Judge Sharp
Magistrate Judge Griffin

**MOTION FOR LEAVE TO FILE REPLY MEMORANDUM
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

Pursuant to Local Rule 7.01(b), Defendant Bank of America, N.A., for itself and as successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, L.P. (collectively, "Bank of America"), respectfully requests leave to file the attached Reply Memorandum in Support of Defendants' Motion to Dismiss Plaintiff's Complaint (Ex. 1). Bank of America submits that good cause exists to grant this motion and that the reply brief will assist the Court in its consideration of the issues presented by Plaintiff's complaint and Bank of America's motion to dismiss. In opposing the motion to dismiss, Plaintiff has exhibited three documents that were not exhibited in Plaintiff's original complaint, effectively bringing new factual matter into the record which necessitated a response. Furthermore, the legal theories articulated in Plaintiff's opposition brief and the fundamental nature of the claims being asserted depart from the theories and claims articulated in the complaint. For example, while Plaintiff pleaded Count I of his complaint as a claim for breach of "HAMP Agreements" (Cplt. at 41), Plaintiff's opposition brief clarifies that the primary agreement this claim is concerned with is an