

From: [Patty Barksdale](#)
To: [RulesCommittee Secretary](#)
Cc: [Julie Wilson](#)
Subject: Suggestion for Fed. R. Civ. P. 37(c)(1)
Date: Tuesday, February 16, 2021 2:28:00 PM

Good afternoon.

The rules committee is likely considering this issue already, but if not, could you please present for consideration the split of authority and need for resolution regarding Fed. R. Civ. P. 37(c)(1)? The issue and split are discussed here:

Crawford v. ITW Food Equip. Grp., LLC, 977 F.3d 1331, 1342 n.4 (11th Cir. 2020) (see also Tjoflat, J., dissenting)
Taylor v. Mentor Worldwide, LLC, 940 F.3d 582, 603 (11th Cir. 2019) (Carnes, J., concurring, and Tjoflat, J., dissenting)

Thank you for your consideration.

Sincerely,

Patricia D. Barksdale
United States Magistrate Judge
Bryan Simpson United States Courthouse
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Jacksonville, FL 32202