

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

BB Fly Trucking LLC v. Regions Bank

BB Fly Trucking LLC v. Regions Bank · No. Civil Action No. 4:24-cv-04512 · Decided March 5, 2026

SUMMARY

In this order on attorneys’ fees, the United States District Court for the Southern District of Texas awards BB Fly Trucking LLC \$6,200 in fees related to its motion to compel, jointly and severally against Regions Bank and its outside counsel. The court also awards an additional \$6,500 against Regions Bank’s outside counsel for violating a prior discovery order. The awards are imposed under Federal Rule of Civil Procedure 37, and payment is ordered by April 3, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	March 5, 2026
DOCKET	Civil Action No. 4:24-cv-04512
DISPOSITION	other
PROCEDURAL POSTURE	Order determining the amount and allocation of attorneys' fees after the court granted Plaintiff's motion to compel and motion for sanctions under Federal Rule of Civil Procedure 37.
STANDARD OF REVIEW	The court applied the lodestar method, multiplying the number of hours reasonably expended by a reasonable hourly rate, and required the fee applicant to establish the reasonableness of both the hours and rate.
PRECEDENTIAL VALUE	Unknown; the source identifies the matter as a trial-court opinion with unknown precedential status.
PARTIES	BB Fly Trucking LLC v. Regions Bank

TOPICS

- discovery dispute
- sanctions
- attorney fees
- commercial litigation
- civil procedure

PRACTICE AREAS

civil procedure

commercial litigation

discovery

attorney fees

sanctions

QUESTIONS PRESENTED

1. What amount of attorneys' fees was reasonable and necessary for BB Fly Trucking's successful motion to compel under Federal Rule of Civil Procedure 37(a)(5)(A)?
2. What amount of attorneys' fees was reasonable and necessary for BB Fly Trucking's successful sanctions motion under Federal Rule of Civil Procedure 37(b)(2)(A)?
3. Whether the fees related to the motion to compel should be imposed jointly and severally on Regions Bank and its outside counsel, and whether the sanctions-related fees should be imposed on outside counsel alone.

HOLDINGS

1. Under Rule 37(a)(5)(A), a prevailing party may recover reasonable fees incurred preparing and litigating a motion to compel, fees caused by the discovery failure that precipitated the motion, and reasonable time spent litigating the fee claim, but may not recover fees that would have been incurred even if motion practice had not been necessary.
2. BB Fly Trucking is entitled to \$6,200.00 in reasonable attorneys' fees for its successful motion to compel.
3. Regions Bank and its outside counsel are jointly and severally liable for the \$6,200.00 fee award related to the motion to compel.
4. BB Fly Trucking is entitled to \$6,500.00 in reasonable attorneys' fees for its successful sanctions motion under Rule 37(b)(2)(A).
5. Regions Bank's outside counsel alone must pay the \$6,500.00 fee award related to the sanctions motion.

KEY QUOTATIONS

"Under that rule, the prevailing party can recover its fees incurred preparing and litigating the motion to compel." (Fees related to Plaintiff's motion to compel)

"But the injured party cannot recover fees that it would have incurred even if the motion had not been filed." (Fees related to Plaintiff's motion to compel)

"More generally, 'a court employs the 'lodestar' method to calculate the amount of fees to be awarded under Rule 37.'" (Fees related to Plaintiff's motion to compel)

FACTUAL BACKGROUND

Regions Bank provided deficient discovery responses and continued withholding documents based on a work-product privilege that the court had deemed waived. After the court ordered supplemental discovery, Regions Bank and its outside counsel continued to rely on inadequate privilege logs and assertions that did not comply

with the order. BB Fly Trucking incurred attorneys' fees preparing and litigating its motion to compel, its sanctions motion, and the related fee applications.

PROCEDURAL HISTORY

The court previously granted BB Fly Trucking's motion to compel, found that Regions Bank had waived work-product privilege over its investigation of the check at issue, and determined that fee shifting was warranted under Rule 37(a)(5)(A). The court later granted Plaintiff's sanctions motion after finding that Regions Bank violated the discovery order, provided deficient privilege logs, and failed to substantiate its privilege assertions. This order resolves the remaining issues concerning the amount of reasonable fees and whether Regions Bank, its outside counsel, or both must pay them.

DISPOSITION

other

CASES CITED

- Tollett v. City of Kemah, 285 F.3d 357, 367-68 (5th Cir. 2002)
- Johnson v. Mississippi, 606 F.2d 635, 638 (5th Cir. 1979)
- Eubank v. Lockhart Indep. Sch. Dist., 2017 WL 9325506, at *2 (W.D. Tex. Jan. 25, 2017)
- Williams v. Best Temporary Servs., LLC, 2015 WL 12763508, at *2 (N.D. Tex. June 17, 2015)
- Cortis, Inc. v. Cortislim Int'l, Inc., 2014 WL 12577397, at *3
- Heidtman v. Cnty. of El Paso, 171 F.3d 1038, 1043 (5th Cir. 1999)

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