

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

DANIEL J. STERMER, as Receiver for
NATIONAL SENIOR INSURANCE, INC.
D/B/A SEEMAN HOLTZ,
CENTURION ISG SERVICES, LLC,
EMERALD ASSETS 2018, LLC,
INTEGRITY ASSETS, 2016, LLC,
INTEGRITY ASSETS, LLC,
PARA LONGEVITY 2014-5, LLC,
PARA LONGEVITY 2015-3, LLC,
PARA LONGEVITY 2015-5, LLC,
PARA LONGEVITY 2016-3, LLC,
PARA LONGEVITY 2016-5, LLC,
PARA LONGEVITY 2018-3, LLC,
PARA LONGEVITY 2018-5, LLC,
PARA LONGEVITY 2019-3, LLC,
PARA LONGEVITY 2019-5, LLC,
PARA LONGEVITY VI, LLC,
SH GLOBAL, LLC N/K/A PARA
LONGEVITY V, LLC,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 9:14-CV-80722-RLR

[Removed from the Circuit Court of Palm
Beach County, Florida, Case No. 50-2024-
CA-004345-XXXXA-MB]

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO RESPOND TO PLAINTIFF’S COMPLAINT
AND INCORPORATED MEMORANDUM OF LAW**

Defendant Wells Fargo Bank, N.A. (“Defendant”), by and through its undersigned counsel, moves this Court for an extension of time, through and including July 29, 2024, in which to file a response to Plaintiff Daniel J. Stermer, as Receiver for National Senior Insurance, Inc. d/b/a Seeman Holtz, Centurion ISO Services, LLC, Emerald Assets 2018, LLC, Integrity Assets, 2016, LLC, Integrity Assets, LLC, Para Longevity 2014-5, LLC, Para Longevity 2015-3, LLC, Para

Longevity 2015-5, LLC, Para Longevity 2016-3, LLC, Para Longevity 2016-5, LLC, Para Longevity 2018-3, LLC, Para Longevity 2018-5, LLC, Para Longevity 2019-3, LLC, Para Longevity 2019-5, LLC, Para Longevity VI, LLC, SH Global, LLC n/k/a Para Longevity V, LLC (“Plaintiff”), Complaint (the “Complaint”). As grounds therefore, Defendant states as follows:

1. On or about April 9, 2024, Plaintiff initiated this action by filing a Complaint against Defendant in the Palm Beach County, Florida circuit court; Case No. 50-2024-CA-004345. Defendant accepted service of the Complaint on May 14, 2024. In accordance with Fed. R. Civ. P. 12(a), Defendant’s response to the Complaint is due at the earliest on June 14, 2024.

2. On June 7, 2024, Defendant removed the case to the United States District Court, Southern District of Florida, Case No. 9:24-cv-80722-RLR (DE 1).

3. Defendant needs additional time to adequately investigate and respond to the allegations in the Complaint, including coordination with a related matter.

4. Moreover, pursuant to the Order Establishing Procedures Governing Recovery Actions to Be Commenced by the Receiver (“Order”), entered in *State of Florida v. National Senior Insurance, Inc. et al.*, Case No. 50-2021-CA-008718, Palm Beach County Clerk of Court (attached as Exhibit A), it is not yet clear that Defendant’s deadline for a response to the Complaint is set. Specifically, the Notice of Acceptance of Service of Process filed by Plaintiff in the state court indicated that Defendant’s response to the Complaint would be governed by the Order, which contemplates a response to the Complaint after a mediation or 120 days from the issuance of the summons, whichever is earlier. Ex. A at ¶ 19.

5. Further, on June 10, 2024, Plaintiff filed a Notice of Pending, Refiled, Related or Similar Actions (DE 3), referring the Court to the first-filed putative class action case, pending in the United States District Court for the Southern District of Florida before the Hon. Darrin P.

Gayles under the caption *Millstein v. Wells Fargo Bank, N.A.*, Case No. 1:24-cv-22142-DPG, which may result in this case being transferred to the Hon. Darrin P. Gayles for adjudication for the reasons set forth therein.

6. Defendant seeks a forty-five (45) day extension of time, up to and including July 29, 2024, to file a response to the Complaint. Counsel for Plaintiff does not oppose the relief requested in this motion.

7. This request is not made for the purposes of undue delay but is made in good faith and in the interest of judicial economy and efficiency.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1.A.3

Pursuant to Local Rule 7.1.A.3, the undersigned counsel certifies that counsel for Defendant has conferred with counsel for Plaintiff, who consents to the relief requested in this Motion.

MEMORANDUM OF LAW

Rule 6(b) of the Federal Rules of Civil Procedure provides that this Court may enlarge the time for filing a response upon a showing of good cause. Where, as here, the request for extension is made prior to the expiration of the specified period of time, no finding of excusable neglect is required. Fed. R. Civ. P. 6(b)(1)(A). Defendant respectfully submits that good cause has been shown for an extension of time in light of the need for further investigation and coordination with a related matter.

WHEREFORE, for the foregoing reasons, Defendant Wells Fargo Bank, N.A. respectfully requests that this Court grant this Motion and extend the time for Defendant to respond to Plaintiff's Complaint up to and including July 29, 2024.

Dated: June 10, 2024

Respectfully submitted,

McGUIREWOODS LLP

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*Attorneys for Defendant
Wells Fargo Bank, N.A.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 10, 2024, a true copy of the foregoing was filed with the Court of Court using the CM/ECF system, which will send notice of the electronic filing to all counsel of record.

/s/ Emily Y. Rottmann
Attorney

190471208

EXHIBIT A

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION**

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION,

Plaintiff,

v.

CASE NO.: 50-2021-CA-008718-XXXX-MB

NATIONAL SENIOR INSURANCE, INC.,
D/B/A SEEMAN HOLTZ,
MARSHAL SEEMAN,
CENTURION INSURANCE SERVICES GROUP, LLC,
BRIAN J. SCHWARTZ,
EMERALD ASSETS 2018, LLC,
INTEGRITY ASSETS 2016, LLC,
INTERGRITY ASSETS, LLC,
PARA LONGEVITY 2014-5, LLC,
PARA LONGEVITY 2015-3, LLC,
PARA LONGEVITY 2015-5, LLC,
PARA LONGEVITY 2016-3, LLC,
PARA LONGEVITY 2016-5, LLC,
PARA LONGEVITY 2018-3, LLC,
PARA LONGEVITY 2018-5, LLC,
PARA LONGEVITY 2019-3, LLC,
PARA LONGEVITY 2019-5, LLC,
PARA LONGEVITY 2019-6, LLC,
PARA LONGEVITY VI, LLC,
SH GLOBAL, LLC N/K/A PARA LONGEVITY V, LLC,
ALTRAI GLOBAL, LLC A/K/A ALTRAI HOLDINGS, LLC,
VALENTINO GLOBAL HOLDINGS, LLC,
AMERITONIAN ENTERPRISES, LLC,
SEEMAN-HOLTZ CONSULTING CORP.,
CENTURION ISG Holdings, LLC,
CENTURION ISG Holdings II, LLC,
CENTURION ISG (Europe) Limited,
CENTURION ISG SERVICES, LLC,
CENTURION ISG FINANCE GROUP, LLC,
CENTURION FUNDING SPV I LLC,
CENTURION FUNDING SPV II LLC,
GRACE HOLDINGS FINANCIAL, LLC,
PRIME SHORT TERM CREDIT INC.,

Defendants.

THE ESTATE OF ERIC CHARLES HOLTZ,
SEEMAN HOLTZ PROPERTY AND CASUALTY, LLC
F/K/A SEEMAN HOLTZ PROPERTY AND CASUALTY, INC.,
SHPC HOLDINGS I, LLC,

Relief Defendants.

**ORDER ESTABLISHING PROCEDURES GOVERNING RECOVERY ACTIONS TO
BE COMMENCED BY THE RECEIVER**

THIS CASE having come before the Court on September 5, 2023 at 8:45 a.m., upon the Receiver's Motion for Orders Establishing Procedures and Scheduling Order Governing Recovery Actions to be Commenced by the Receiver (the "**Procedures Motion**"), filed by Daniel J. Stermer (the "**Receiver**"), by and through counsel, and pursuant to Fla. Civ. P. § 1.200 and §1.700, seeking the entry of procedures governing recovery actions to be filed by the Receiver; and this Court having jurisdiction to consider and determine the Procedures Motion and determining that the Procedures Motion is necessary and in the best interests of the Receivership Estates; and good cause existing;

It is ORDERED:

1. The Procedures Motion is **GRANTED** as set forth in this Order.
2. The procedures that govern all Actions filed by the Receiver (the "**Actions**") are as follows.

A. Effectiveness of Order

3. This Order shall apply to all parties in the Actions.
4. This Order shall not alter, affect, impair or modify the rights of any such defendants, except as provided in this Order.

B. Judge Assignment. Upon the filing of an Action, the Receiver shall file with the complaint a copy of the Procedures Order establishing the Procedures in this Case. The clerk of

court shall direct all matters subject to the Procedures Order to be assigned to Judge Bradley Harper, Circuit Court Judge. Pursuant to the Order Appointing Receiver:

- i. The Clerk of the Court shall docket a Supplemental Proceeding under this matter's case number, and a separate Supplemental Proceeding number, and shall assign such supplemental proceeding to this Court's division.
- ii. All pleadings and other papers filed in a Supplemental Proceeding shall contain a separate sub-caption and the Supplemental Proceeding number in addition to the caption and the case number applicable to the main case.

C. Mandatory Mediation

5. The parties to each of the Actions shall conduct and complete mandatory mediation within 90 days after each complaint is filed (the "**Mediation Deadline**"), provided, however, that the Receiver may, in his sole discretion, extend the Mediation Deadline without further Order of the Court for an additional thirty (30) days (so that extended mediations must be completed within one hundred and twenty (120) days after the filing of a complaint).

6. Within thirty (30) days of entry of this Order, the Receiver shall identify a mediator that will serve as the default mediator for all of the Actions (the "**Mediator**"). If the Mediator has a scheduling conflict or if the Mediator has a conflict with respect to a particular defendant, then the Receiver shall, in his sole discretion, select another mediator to mediate such Proceeding. In the event a party objects to the Mediator or any other mediator selected by the Receiver, and are unable to come to an agreement on an alternate mediator, the parties shall notify the Court, which will ultimately decide the mediator for that particular Proceeding.

7. On or before the Mediation Deadline, the Receiver, working with the mediator, will schedule mediations in Florida (or via Zoom or other electronic method). The defendants shall cooperate with the Receiver and the mediator regarding the scheduling of mediations. The Receiver's counsel shall contact the defendants with a list of proposed dates for mediation. Mediation will then be scheduled on a first-come, first-served basis.

8. The mediator may request the parties submit position statements, any relevant papers and exhibits, and a settlement proposal in advance of the scheduled mediation.

9. The fees of the mediator shall be split equally by the parties, and payment arrangements satisfactory to the mediator must be completed prior to the commencement of the mediation.

10. The mediator will preside over the mediation with full authority to determine the nature and order of the parties' presentations. The mediator may implement additional procedures that are reasonable and practical under the circumstances.

11. The length of time necessary to effectively complete the mediation will be within the mediator's discretion. The mediator may also adjourn a mediation that has been commenced if the mediator determines that an adjournment is in the best interest of the parties, provided that the mediation is concluded by the Mediation Deadline.

12. The parties shall participate in the mediation, as scheduled and presided over by the mediator, in good faith and with a view toward reaching a consensual resolution. An authorized representative of the plaintiff and defendant with full settlement authority shall attend the mediation in person; provided, however, that the mediator, in her or his sole discretion, may allow such representative to appear telephonically, although the party's legal counsel is required to attend in person.

13. If a party (a) fails to submit the submissions required by the mediator, (b) fails to timely pay any bill for the mediator's fees, or (c) fails to attend the mediation as required, then the non-defaulting party may file a motion for default judgment or a motion to dismiss the Proceeding, and in the case of a defendant's failure to pay the mediator's fees, the Receiver may withhold disbursement on account of any allowed claim filed the defendant.

14. In addition, if the mediator feels that a party to the mediation is not attempting to

schedule or resolve the mediation in good faith, the mediator may file a report with the Court. The Court may, without need for further motion by any party, schedule a hearing. If the Court determines that the party is not cooperating in good faith with the mediation procedures, the Court may consider the imposition of sanctions including, but not limited to, entry of a default judgment or dismissal of the Proceeding. Additionally, if either party to the mediation is not attempting to schedule or resolve the mediation in good faith, then the opposite party may file a motion for sanctions with the Court including, but not limited to, entry of a default judgment or dismissal of the Proceeding. Litigation with respect to the issuance of sanctions shall not delay the commencement of mediation.

15. Within five (5) business days after the conclusion of the mediation, the mediator will file a report (the "**Mediator's Report**"), drafted with the caption of the Proceeding, which need only state (i) the date that the mediation took place, (ii) the names of the parties and counsel that appeared at the mediation, and (iii) whether the Proceeding settled or the mediator declared an impasse (the "**Impasse Notice**").

16. The mediator shall not be called as a witness by any party except as set forth in this paragraph. No party shall attempt to compel the testimony of, or compel the production of documents from, the mediators or the agents, partners, or employees of the mediator's law firm(s). Neither the mediators nor their respective agents, partners, law firms, or employees (i) are necessary parties in any proceeding relating to the mediation or the subject matter of the mediation, nor (b) shall be liable to any party for any act or omission in connection with any mediation conducted under this Order. Any documents provided to the mediator(s) by the parties shall be destroyed 30 days after the filing of the Mediator's Report, unless the Mediator is otherwise ordered by the Court. However, subject to court order, a mediator may be called as a witness by any party and may be compelled to testify on a limited basis in proceedings where it is alleged that

a party failed to comply with the mediation procedures set forth in this Order.

17. All proceedings and writings incident to the mediation shall be privileged and confidential, and shall not be reported or placed into evidence.

D. Compromises

18. Compromises and settlements reached in the Actions shall be brought before the Court for approval.

E. Extension of Deadline to Answer or Otherwise Respond to Complaint

19. The deadline for a defendant to file an answer or otherwise respond to the complaint shall be extended to the first business day that is the earlier of: (i) thirty (30) days from the date that the mediator files an Impasse Notice, or (ii) one hundred and twenty (120) days from the date that the summons is issued (the "**Response Deadline**").

F. Formal Discovery Stayed Until After Mediation

20. Formal discovery in the Actions are stayed until the Response Deadline. On or after the Response Deadline, the parties may proceed with formal discovery, except for depositions of key witnesses who the Receiver believes have information relevant to more than one Proceeding ("**Key Witnesses**"). The Receiver will file a list of Key Witnesses within thirty (30) days of an order approving this Motion. The list of Key Witnesses can be modified from time to time by the Receiver, at his sole discretion, by filing an amended list with the Court. Any party that wishes to take the deposition of a Key Witness must attend the scheduled deposition of such Key Witness. The Receiver shall be responsible for coordinating the depositions of Key Witnesses. The parties shall use reasonable efforts to coordinate among themselves the order of inquirer and scope of inquiries of Key Witnesses so that the questioning is not repetitive or redundant. The discovery cutoff deadline shall be 30 days from the date the Court sets the Proceeding for trial. Except for the foregoing, the Florida Rules of Civil Procedure will remain in full force and effect with respect

to depositions.

G. Pretrial Conferences Eliminated in Favor of Omnibus Hearings

21. The Court will not conduct individual pretrial conferences in each separate Action. Instead, the Receiver will schedule separate omnibus hearings. Initially, the omnibus hearings will be scheduled on a quarterly basis at the Court's convenience. If it becomes necessary or advisable, the Receiver may request that omnibus hearings be scheduled on a monthly basis or bi-monthly basis. All motions and other matters concerning the Actions will only be heard at the omnibus hearings.

TRIAL AND PRETRIAL OBLIGATIONS

H. Notice for Trial

22. After each of the Actions are at issue and ready to be set for trial, the Receiver shall file a notice of readiness for trial, identifying the Actions that are at issue and ready to be set for trial and identifying the common issues that may be tried together.

I. Final Omnibus Hearing; Setting Trial

23. The Court will then set a final omnibus hearing (the "**Final Omnibus Hearing**"), at which time the Court will set the Actions for each round for trial and may enter a trial order with additional obligations for the parties, including with respect to exhibits and sworn declarations. All such deadlines required under the Florida Rules of Civil Procedure will be scheduled after the Final Omnibus Hearing pursuant to an order.

J. Special Settings

24. If the attorney(s) trying an Action are from outside this district, or the parties or witnesses are from outside this district, or if some other reason that justifies a request to the court to specially set trial at a time or date certain, counsel shall request appropriate relief at the Final

Omnibus Hearing.

K. Miscellaneous

25. To the extent of a conflict between the Court's local rules and this Order, this Order shall control.

26. The deadlines and/or provisions contained in this Order may be extended and/or modified by the Court upon written motion and for good cause shown or by consent of the parties pursuant to stipulation, which needs to be filed with the Court but does not require a Court order.

L. Notice of Right to Object to this Order

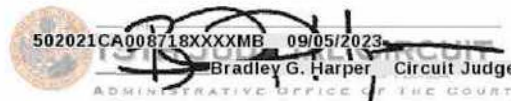
27. The Receiver shall serve a copy of the applicable Procedures Order with the complaint and initial summons in each Action.

28. Each defendant shall have 14 days from date a complaint and summons is served to file and serve on the Receiver an objection to the Procedures Order, which shall state which specific provision of the Procedures Order defendant objects to and why.

29. The Court reserves the ability to modify the terms of the Procedures Order as necessary.

DONE AND ORDERED in Chambers at West Palm Beach, Florida.

NOT A CERTIFIED COPY



502021CA008718XXXMB 09/05/2023
Bradley G. Harper
Circuit Judge

**BRADLEY HARPER
CIRCUIT COURT JUDGE**

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