

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

CASE NO. 9:24-CV-80722-GAYLES/GOODMAN

DANIEL J. STERMER, as Receiver for
NATIONAL SENIOR INSURANCE, INC.
D/B/A SEEMAN HOLTZ, *et al.*,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO REPLY IN SUPPORT OF ITS
MOTION TO DISMISS AND MOTION TO STAY DISCOVERY
AND INCORPORATED MEMORANDUM OF LAW**

Defendant Wells Fargo Bank, N.A. (“Defendant”), by and through its undersigned counsel, moves this Court for a one-week extension of time, up to and including August 26, 2024, to file a reply in support of Defendant’s Motion to Dismiss Plaintiffs’ Complaint [DE 30], and a reply in support of Defendant’s Motion to Stay Discovery Pending Disposition of Wells Fargo Bank, N.A.’s Motion to Dismiss [DE 31]. As grounds therefore, Defendant states as follows:

1. On July 29, 2024, Defendant filed its Motion to Dismiss Plaintiffs’ Complaint (“Motion to Dismiss”), and Motion to Stay Discovery Pending Disposition of Wells Fargo Bank, N.A.’s Motion to Dismiss (“Motion to Stay”).

2. On August 12, 2024, Plaintiff Stermer filed a Response in Opposition to the Motion to Dismiss [DE 35], and a Response in Opposition to the Motion to Stay Discovery [DE 36] (collectively, the “Oppositions”).

3. Defendant's replies to the Oppositions are currently due on or before August 19, 2024.

4. Defendant seeks a one-week extension of time, up to and including August 26, 2024, to file a reply in support of Wells Fargo's Motion to Dismiss and a reply in support of Motion to Stay Discovery.

5. Counsel for Plaintiff Stermer does not oppose the relief requested in this motion.

6. 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 does not oppose 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 (i) concurrent deadlines in other cases; (ii) conflicting personal and business commitments, including preplanned time away from the office; (iii) the need to fully respond to Plaintiff's opposition; and (iv) the need for coordination with the 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 file its replies in support, up to and including August 26, 2024.

Dated: August 14, 2024

Respectfully submitted,

McGUIREWOODS LLP

/s/ Emily Y. Rottmann

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Attorneys for Defendant Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 14, 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

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**ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO REPLY IN SUPPORT OF ITS
MOTION TO DISMISS AND MOTION TO STAY DISCOVERY**

THIS CAUSE having come before the Court on Defendant's Unopposed Motion for Extension of Time to Reply in Support of its Motion to Dismiss and Motion to Stay Discovery, it is

ORDERED AND ADJUDGED that:

The Motion is GRANTED. Defendant shall have up to and including August 26, 2024, in which to file its replies in support of Defendant's Motion to Dismiss Plaintiffs' Complaint [DE30] and Defendant's Motion to Stay Discovery Pending Disposition of Wells Fargo Bank, N.A.'s Motion to Dismiss [DE 31].

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this ___ day of August, 2024.

Honorable Judge Darrin P. Gayles

Copies furnished to: All Counsel of Record