

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case Number: 1:24-cv-22142-DPG

FANNY B. MILLSTEIN and  
MARTIN KLEINBART,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

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**JOINT SCHEDULING REPORT**

Pursuant to Rule 16.1(b)(2) of the Local Rules for the Southern District of Florida, the undersigned counsel for Plaintiffs Fanny B. Millstein and Martin Kleinbart, on behalf of themselves and all others similarly situated, and Defendant, Wells Fargo Bank, N.A., hereby file this Joint Scheduling Report, and state as follows:

**Rule 16.1 Conference Information**

Recommended Case Management Track – Complex

**A. Likelihood of Settlement**

The potential for resolving this matter through settlement is unknown at this time. The Parties have agreed to attend and participate in good faith in any mediation conference mandated by the Court.

**B. Additional Parties**

Since discovery has not yet commenced, it is unknown at this time whether additional parties will be named or appear in this action.

**C. Proposed Limits on Time**

The Parties propose a complex track with deadlines as set forth in Exhibit 1 to this Joint Scheduling Report.

**D. Formulation and Simplification of Issues**

The Parties will work together to attempt to simplify the issues to be tried to the greatest extent possible.

**E. Necessity of Amendment to the Pleadings**

As discovery has not yet commenced, the amendment of the pleadings is not yet known at this time.

**F. Admissions of Fact and Documents/Stipulation Regarding Authenticity of Documents and Advance Filings**

The possibility of the Parties agreeing to factual admissions is unknown at this time, although the Parties will endeavor to provide admissions of fact and stipulations regarding the authenticity of documents and other issues prior to trial.

**G. Suggestions for Avoidance of Unnecessary Proof and of Cumulative Evidence**

The Parties will work together to avoid unnecessary proof and cumulative evidence.

**H. Referral of Matters to U.S. Magistrate**

The Parties do not presently consent to trial before a U.S. Magistrate. The Parties agree that discovery matters may be referred to a U.S. Magistrate, as this Court deems appropriate subject to the parties' rights to appeal any such decision to the presiding District Court Judge pursuant to Fed. R. Civ. P. 72.

**I. Estimated Time for Trial**

The Parties estimate at this time that it will take approximately 10 days to try this matter from December 1, 2025 through December 14, 2025.

**J. Requested Dates for Conference**

The Parties request a date on September 24, 2025, for a pre-trial conference.

**K. Disclosures and Discovery/Claims of Privilege/ESI Checklist**

The Parties will exchange initial disclosures as required by Fed. R. Civ. P. 26(a) and do not request any changes to the timing, form, or requirement for disclosure under Rule 26(a). At this time, the Parties agree that, unless otherwise delineated, discovery need not be conducted in phases (although class certification discovery will conclude prior to merits discovery), or be limited to particular issues. Wells Fargo intends to submit a written motion to stay discovery pending resolution of its motion to dismiss the complaint. This motion will be submitted at the same time as the motion to dismiss. Plaintiff intends to oppose Wells Fargo's motion to stay discovery.

The Parties will work together to agree on a procedure to assert any claims of privilege or protection as work product to the greatest extent possible. The Parties anticipate developing a Discovery Protective Order and an ESI Protocol and will also work together to agree as to the preservation and form in which ESI is to be produced in this case.

**L. Other Information**

The claims in this case are similar to those alleged in *Stermer v. Wells Fargo Bank, N.A.*, Case Number: 9:24-cv-80722-DPG, but involve distinct factual and legal issues for trial. To the extent discovery is conducted in both cases concurrently, the Parties will work together to coordinate those efforts.

Dated: July 31, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 31, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Seth Miles

Seth Miles, Esq., FBN 385530

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# **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

**Case Number: 1:24-cv-22142-DPG**

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MARTIN KLEINBART,**

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**Defendant.**

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**PROPOSED SCHEDULING ORDER SETTING  
CIVIL TRIAL DATE AND PRETRIAL SCHEDULE**

**THIS CAUSE** is set for trial during the Court's two-week trial calendar beginning on **12/01/2025** in **Courtroom 11-1** of the **Wilkie D. Ferguson, Jr. United States Courthouse** located at **400 North Miami Avenue, Miami, Florida 33128**. The **Calendar Call** will be held at **9:30 a.m. on Wednesday, 11/26/2025**. A telephonic **Status Conference** will be held at **10:00 a.m. on Wednesday, 09/24/2025**.

The parties shall adhere to the following schedule:

1. Joinder of any additional parties and filing of motions to amend the complaint by **09/27/2024**
2. Written lists containing the names and addresses of all fact witnesses intended to be called at trial by **04/01/2025**
3. Motion for class certification shall be filed by **06/27/2025**
4. Parties shall disclose experts, expert witness summaries, and reports as required by Fed. R. Civ. P. 26(a)(2) by **05/16/2025**
5. Exchange of rebuttal expert witness summaries and reports as required **05/30/2025**



by Fed. R. Civ. P. 26(a)(2) by

6. Parties shall select a mediator pursuant to Local Rule 16.2 and shall schedule a time, date, and place for mediation by **01/10/2025**
7. Fact discovery shall be completed by **05/02/2025**  
**[at least five months before Trial date]**
8. Expert discovery shall be completed by **06/13/2025**  
**[at least five months before Trial date]**
9. Dispositive motions, including those regarding summary judgment and *Daubert*, shall be filed by **08/01/2025**  
**[at least four months before Trial date]**
10. Mediation shall be completed by **08/29/2025**  
**[at least three months before Trial date]**
11. All pretrial motions and memoranda of law, including motions in limine, shall be filed by **10/01/2025**  
**[at least two months before Trial date]**
12. Joint pretrial stipulation, proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law shall be filed by **11/03/2025**  
**[at least one month before Trial date]**