

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO. 1:24-cv-22142-DPG**

FANNY B. MILLSTEIN and  
MARTIN KLEINBART,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

\_\_\_\_\_ /

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE REPLY IN SUPPORT OF  
DEFENDANT’S MOTION TO DISMISS**

Defendant Wells Fargo Bank, N.A. (“Defendant”), by and through its undersigned counsel, moves this Court for an extension of time, up to and including September 27, 2024, to file a reply in support of Defendant’s Motion to Dismiss Plaintiffs’ Complaint. As grounds therefore, Defendant states as follows:

1. On August 12, 2024, Defendant filed its Motion to Dismiss Plaintiffs’ Complaint [DE 25].
2. On September 9, 2024, Plaintiffs filed a Response in Opposition to the Motion to Dismiss [DE 30].
3. Defendant’s response to Plaintiffs’ opposition is due on or before September 16, 2024.
4. Due to a number of preexisting and unavoidable obligations for Defendant’s counsel, Defendant seeks an extension of time, up to and including September 27, 2024, to file a reply in support of Wells Fargo’s Motion to Dismiss. Counsel for Plaintiffs does not oppose the relief requested in this motion.

5. 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 file a reply in support of Wells Fargo's Motion to Dismiss, up to and including September 27, 2024.

Dated: September 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 September 10, 2024, a true copy of the foregoing was filed with the Court using the CM/ECF system, which will send notice to counsel of record.

/s/ Emily Y. Rottmann  
Attorney

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**ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE REPLY IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS**

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

ORDERED AND ADJUDGED that:

The Motion is GRANTED. Defendant shall have up to and including September 27, 2024, in which to file its reply in support of Defendant's Motion to Dismiss Plaintiffs' Complaint [DE 25].

DONE AND ORDERED in Chambers at Miami, Florida, this \_\_\_\_ day of September, 2024.

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Honorable Judge Darrin P. Gayles

Copies furnished to: All Counsel of Record