

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI AND WEST PALM BEACH DIVISIONS**

CASE NOS.: 1:24-cv-22142-DPG; 9:24-cv-80722-DPG

FANNY B. MILLSTEIN and
MARTIN KLEINBART,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

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 WELLS FARGO'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO OBJECT AND FILE CONSOLIDATED OBJECTION
IN EXCESS OF PAGE LIMIT TO REPORT AND RECOMMENDATIONS ON
MOTIONS TO DISMISS RELATED LAWSUITS [ECF NO. 53]**

Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), by and through its undersigned counsel, moves this Court for an extension of time for the Parties, through and including February 12, 2025, and for leave for Wells Fargo to exceed the page limit established by Local Rule 3.01(b) in which to file a single, consolidated response, in which to object to Chief United States Magistrate Judge Jonathan Goodman's Report and Recommendations on Motions to Dismiss Related Lawsuits [ECF No. 53] (the "Report"), as well as an extension of time for the Parties,

through and including March 12, 2025, to respond to another Party's objections to the Report. As grounds therefore, Wells Fargo states as follows:

1. On January 15, 2025, Chief United States Magistrate Judge Jonathan Goodman entered his 75 page consolidated Report and Recommendations on Motions to Dismiss Related Lawsuits for cases *Millstein et al. v. Wells Fargo Bank, N.A.*, No. 1:24-cv-22142-DPG and *Stermer et al. v. Wells Fargo Bank, N.A.*, No. 1:24-cv-22142-DPG, (collectively, the "Cases"), both pending in this Court (ECF 53).

2. Wells Fargo, Plaintiffs Fanny Milstein and Martin Kleinbart ("Plaintiffs"), and Daniel Stermer, as Receiver for National Senior Insurance Inc. d/b/a Seeman Holtz, *et al.* (the "Receiver"), (collectively, the "Parties"), each have fourteen (14) days in which to file written objections, if any, with United States District Judge Darrin P. Gayles. The Parties also have fourteen (14) days in which to file a response to any Party's objections.

3. Wells Fargo seeks a fourteen (14) day extension of time, up to and including February 12, 2025, for all Parties to file their respective responses to the Report as well as a fourteen (14) day extension of time, up to and including March 12, 2025, for all Parties to file a response to any Party's objections to the Report.

4. 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.

5. 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).

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.

7. Wells Fargo respectfully submits that good cause has been shown for an extension

of time in light of the Parties' need for further investigation and coordination of response, particularly because the Report addresses dismissal arguments for two Cases.

8. Wells Fargo also requests for leave to exceed the page limit established by Local Rule 3.01(b), in which to file a single, consolidated response to the consolidated Report not to exceed forty (40) pages total and not to exceed twenty (20) pages as to argument specific to either Case as is the pagination permitted under Local Rules for separate briefing.

9. The consolidated Report raises complex issues of fact and law regarding whether Plaintiffs and the Receiver have properly stated a claim for relief in their respective Cases as set forth in Federal Rule of Civil Procedure 12(b)(6). The resolution of these issues is critical to determining whether the asserted claims can survive dismissal.

10. Because of the volume of factual and legal analysis required to respond to the consolidated Report that addresses dismissal arguments in both Cases, additional pages will allow Wells Fargo to fully respond to the consolidated Report in one, consolidated brief as opposed to filing two, separate briefs. Further, it will benefit the Court in its decision making to be fully apprised of the complete factual and legal arguments in one consolidated brief when addressing whether claims made by the Plaintiffs and Receiver can survive dismissal.

11. Counsel for Plaintiffs and the Receiver do not oppose the relief requested in this motion.

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 Wells Fargo has conferred with counsel for Plaintiffs and Receiver, who consent to the relief requested in this Motion.

WHEREFORE, for the foregoing reasons, Defendant Wells Fargo Bank, N.A. respectfully requests that this Court grant this Motion and (i) extend the time for all Parties to respond to the Report, up to and including February 12, 2025, (ii) grant leave for Wells Fargo to exceed the page limit established by Local Rule 3.01(b) in which to file a single, consolidated response to the consolidated Report not to exceed forty (40) pages total and not to exceed twenty (20) pages as to argument specific to either Case as is the pagination permitted under Local Rules for separate briefing, and (iii) extend the time for all Parties to file responses to any objections to the Report, up to and including March 12, 2025.

Dated: January 21, 2025

Respectfully submitted,

MCGUIREWOODS LLP

/s/ Emily Y. Rottmann

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 21, 2025, a copy of the foregoing was furnished by E-Mail to:

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**[PROPOSED] ORDER GRANTING DEFENDANT WELLS FARGO'S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO OBJECT AND FILE CONSOLIDATED
OBJECTION IN EXCESS OF PAGE LIMIT TO REPORT AND RECOMMENDATIONS
ON MOTIONS TO DISMISS RELATED LAWSUITS [ECF NO. 53]**

THIS CAUSE having come before the Court on Defendant Wells Fargo's Unopposed Motion for Extension of Time to Object and File Consolidated Objection in Excess of Page Limit to Report and Recommendations on Motions to Dismiss Related Lawsuits, it is

ORDERED AND ADJUDGED that:

The Motion is GRANTED.

An extension of time, through and including February 12, 2025, is granted to Wells Fargo, Plaintiffs, and the Receiver (collectively, the “Parties”) to object to Chief United States Magistrate Judge Jonathan Goodman’s Report and Recommendations on Motions to Dismiss Related Lawsuits (ECF No. 53) (the “Report”). An extension of time, through and including March 12, 2025, is granted the Parties to respond to any objections to the Report.

Wells Fargo is further granted leave to exceed the page limit established by Local Rule 3.01(b) in which to file a single, consolidated response to the consolidated Report not to exceed forty (40) pages total and not to exceed twenty (20) pages as to argument specific to either Case as is the pagination permitted under Local Rules for separate briefing.

DONE AND ORDERED in Chambers at Miami, Florida, this ____ day of January, 2025.

Honorable Judge Darrin P. Gayles

Copies furnished to: All Counsel of Record