

**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.

JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES

The parties, Fanny B. Millstein and Martin Kleinbart, on behalf of themselves and all others similarly situated (“Plaintiffs”) and Wells Fargo Bank, N.A. (“Defendant” and, collectively with Plaintiffs, the “Parties”), by and through their respective counsel, file this Joint Motion to Extend Scheduling Order Deadlines (“Motion”) pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure. As grounds therefore, the Parties state as follows:

1. On August 7, 2024, the Court entered a Scheduling Order setting pre-trial deadlines and the civil trial date for this case (the “Scheduling Order”). (ECF No. 24).
2. The Scheduling Order currently provides that fact discovery must conclude by May 2, 2025.
3. On November 15, 2024, following the entry of the Scheduling Order, this case was referred to Magistrate Judge Goodman for a ruling on all pre-trial non-dispositive matters and for a Report and Recommendation on any dispositive matters. (ECF No. 42). On January 15, 2025, Magistrate Judge Goodman provided his Report and Recommendations. (ECF No. 53). Pursuant

to the January 21, 2025, Order granting Wells Fargo's Unopposed Motion for Extension of Time to Object to Report and Recommendations, the Parties now have until February 12, 2025, to file written objections, and until March 12, 2025, to respond to the opposition's objection. (ECF No. 57). Notwithstanding this, discovery proceeded in light of the Court's denial of Defendant's Motion to Stay.

4. Over the past four months, the parties engaged in substantial discovery negotiations. We negotiated a comprehensive ESI Protocol and Confidentiality Order before Plaintiffs served their First Request for Production of Documents on August 29, 2024, which included 300 document requests. Wells Fargo served its First Request for Production of Documents on October 16, 2024. The Parties have held more than a dozen meet-and-confer sessions to negotiate the scope of those requests. These discussions remain ongoing as the Parties work to finalize the number of custodians and search terms for Wells Fargo employees' email accounts and potentially certain systems within Wells Fargo. Wells Fargo is currently running the search terms to test and evaluate the volume of potentially responsive documents, and the Parties will negotiate those results, which the Parties anticipate will be substantial and require extensive efforts to complete. Additionally, Plaintiffs served their First Set of Interrogatories on September 1, 2024, which the parties negotiated and reached agreement on.

5. During this same time period, Defendant Wells Fargo served document requests, interrogatories, and requests for admission. Plaintiffs responded to each and are currently in the process of gathering, reviewing, and producing documents in response to Defendant's document requests.

6. As of present, the Defendant has made initial productions exceeding over one hundred thousand pages in response to Plaintiffs' First Request for Production and is continuing

to gather, review, and produce documents subject to Plaintiffs' document requests and the meet and confer agreements the Parties reached. Likewise, Plaintiffs are still gathering, reviewing and in the process of producing documents subject to Defendant's document requests. Moreover, it is anticipated that a significant number of depositions will need to take place in this case after the Parties have made substantial productions, which has not yet occurred to date. The Parties have and are continuing to have ongoing cordial meet and confer discussions as a part of this process.

7. The Parties have also engaged in significant third-party discovery with Plaintiffs issuing 55 subpoenas. Plaintiffs have been actively negotiating those subpoenas with the subpoenaed entities and as a result of those efforts, tens of thousands of documents have been produced resulting in hundreds of thousands of pages of documents that need to be reviewed. Plaintiffs remain actively engaged and continue to negotiate these subpoenas with more than a dozen third-parties.

8. As outlined above, the Parties have been actively engaged in discovery negotiations. However, given the 11-year time frame at issue in this case, the number of Wells Fargo departments and employees involved, and the substantial number of third-parties, it has not been possible to complete discovery within the original schedule. Although this case involves a single defendant, the factual allegations involve multiple divisions of the bank including the trust department, which was sold to another company in 2021 further complicating the location, identification and production of documents. This is not due to any lack of diligence by the Parties but rather the sheer size and complexity of the case. The Parties remain committed to advancing discovery with minimal court intervention, but the time remaining under the current fact discovery deadline is insufficient to complete the necessary work that remains.

9. Accordingly, the Parties respectfully request that the Court extend the deadline for fact discovery by six months, and subsequently adopt the following revised deadlines in the Scheduling Order.

Event	Original Date	Proposed New Date
Written lists containing names and addresses if all witnesses intended to be called at trial by	4/1/2025	10/15/2025
Motion for class certification shall be filed by	6/27/2025	1/23/2026
Parties shall disclose experts, expert witness summaries, and reports as required by Fed. R. Civ. P. 26(a)(2) by	5/16/2025	12/1/2025
Exchange of rebuttal expert witness summaries and reports as required by Fed. R. Civ. P. 26(a)(2) by	5/30/2025	12/15/2025
Fact discovery shall be completed by	5/2/2025	12/1/2025
Expert discovery shall be completed by	6/13/2025	1/15/2026
Dispositive motions, including motions for summary judgment, and Daubert motions, shall be filed by	8/1/2025	3/10/2026
Mediation shall be completed by	8/29/2025	3/16/2026
All pretrial motions and memoranda of law, including motions in limine, shall be filed by	10/1/2025	4/15/2026
Joint pretrial stipulation, proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law filed by	11/3/2025	5/18/2026

10. Rule 6(b) of the Federal Rules of Civil Procedure provides that this Court may enlarge time upon a showing of good cause.

11. 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).

12. This request is made in good faith and not for the purpose of undue delay. Rather, it is in the interest of judicial economy and efficiency, ensuring that the Parties have adequate time to complete discovery in a thorough and organized manner. As outlined above, the Parties have been actively engaged in discovery and have demonstrated diligence in advancing the process. The complexity and scope of this case, including its 11-year time frame, the involvement of numerous Wells Fargo departments and employees, and the significant number of third parties, necessitate additional time to ensure discovery is completed properly and without unnecessary court intervention.

13. This Motion is being filed in good faith before the deadlines the Parties are jointly seeking to extend and is supported by good cause. Extending these deadlines will allow the Parties to complete discovery thoroughly, avoid unnecessary disputes, and promote judicial efficiency by minimizing the need for court intervention. This request reflects the Parties' commitment to advancing this matter while respecting the Court's time and resources.

14. For the foregoing reasons, the Parties respectfully request that the Court grant this Motion and modify the Scheduling Order.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)

Pursuant to Local Rule 7.1(a)(3), the undersigned counsel for Plaintiffs and Defendant certify that they have conferred and agree to the relief requested herein.

WHEREFORE, the Parties respectfully request that the Court extend the deadlines and adopt the proposed schedule set forth above and grant such other and further relief as this Court deems just and proper.

Dated: January 30, 2025

MCGUIREWOODS LLP

50 N. Laura Street, Suite 3300
Jacksonville, Florida 32202
Tel: (904) 798-3200
Fax: (904) 798-3207

/s/ Emily Y. Rottmann

Emily Y. Rottmann, Esq.
Florida Bar No. 93154
erottmann@mcguirewoods.com
clambert@mcguirewoods.com
flservice@mcguirewoods.com

Jarrod D. Shaw (*admitted pro hac vice*)
Nellie E. Hestin (*admitted pro hac vice*)
Tower Two-Sixty
260 Forbes Avenue, Suite 1800
Pittsburgh, PA 15222
jshaw@mcguirewoods.com
nhestin@mcguirewoods.com

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

Respectfully submitted,

BUCKNER + MILES

2020 Salzedo Street, Ste. 302
Coral Gables, Florida 33134
Tel.: (305) 964-8003
Fax: (786) 523-0585

/s/ Brett E. von Borke

David M. Buckner, Esq.
Florida Bar No. 60550
seth@bucknermiles.com
Seth Miles, Esq.
Florida Bar No. 385530
seth@bucknermiles.com
Brett E. von Borke, Esq.
Florida Bar No. 0044802
vonborke@bucknermiles.com

SALLAH ASTARITA & COX, LLC

One Boca Place
2255 Glades Rd., Ste. 300E
Boca Raton, FL 33431
Tel.: (561) 989-9080
Fax: (561) 989-9020

James D. Sallah, Esq.
Florida Bar No. 0092584
jds@sallahlaw.com
Joshua A. Katz, Esq.
Florida Bar No. 0848301
jak@sallahlaw.com

SILVER LAW GROUP
11780 W. Sample Road
Coral Springs, FL 33065
Tel.: (954) 755-4799
Fax: (954) 755-4684

Scott L. Silver, Esq.
Florida Bar No. 095631
ssilver@silverlaw.com
Ryan A. Schwamm, Esq.
Florida Bar No. 1019116
rschwamm@silverlaw.com
Peter M. Spett, Esq., Of Counsel
Florida Bar No. 0088840
pspett@silverlaw.com

Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system which will send notice of the electronic filing on January 30, 2025, to all counsel of record listed below:

Seth Miles, Esq.
David M. Buckner, Esq.
Brett E. von Borke, Esq.
Buckner + Miles
2020 Salzedo Street, Ste. 302
Coral Gables, Florida 33134
seth@bucknermiles.com
david@bucknermiles.com
vonborke@bucknermiles.com

James D. Sallah, Esq.
Joshua A. Katz, Esq.
SALLAH ASTARITA & COX, LLC
One Boca Place
2255 Glades Rd., Ste. 300E
Boca Raton, FL 33431
jds@sallahlaw.com
jak@sallahlaw.com

Scott L. Silver, Esq.
Ryan A. Schwamm, Esq.
Peter M. Spett, Esq., Of Counsel
SILVER LAW GROUP
11780 W. Sample Road
Coral Springs, FL 33065
ssilver@silverlaw.com
rschwamm@silverlaw.com
pspett@silverlaw.com

Counsel for Plaintiffs and the Class

/s/ Emily Y. Rottmann
Emily Y. Rottmann

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JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES

THIS MATTER is before the Court on the parties' Joint Motion to Extend the Scheduling Order Deadlines (the "Motion") filed on January 30, 2025.

The Court, having reviewed the Motion and being fully advised in the premises, hereby ORDERS and ADJUDGES as follows:

The Motion is GRANTED, and the Order Setting Civil Trial Date and Pretrial Deadlines (ECF No. 24) is amended as follows.

Event	Date
Written lists containing names and addresses if all witnesses intended to be called at trial by	10/15/2025
Motion for class certification shall be filed by	1/23/2026
Parties shall disclose experts, expert witness summaries, and reports as required by Fed. R. Civ. P. 26(a)(2) by	12/1/2025
Exchange of rebuttal expert witness summaries and reports as required by Fed. R. Civ. P. 26(a)(2) by	12/15/2025

Fact discovery shall be completed by	12/1/2025
Expert discovery shall be completed by	1/15/2026
Dispositive motions, including motions for summary judgment, and Daubert motions, shall be filed by	3/10/2026
Mediation shall be completed by	3/16/2026
All pretrial motions and memoranda of law, including motions in limine, shall be filed by	4/15/2026
Joint pretrial stipulation, proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law filed by	5/18/2026
Trial Term: June 2026	

DONE and ORDERED in Chambers Miami, Florida, this _____ day of _____, 2025.

HON. DARRIN P. GAYLES
 UNITED STATES DISTRICT JUDGE

Copies furnished to:
 Jonathan Goodman, U.S. Magistrate Judge
 Counsel of record