

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 1:24-cv-22142-GAYLES/GOODMAN

FANNY B. MILLSTEIN and
MARTIN KLEINBART,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

**DEFENDANT’S NOTICE OF FILING IN
COMPLIANCE WITH COURT ORDER (Doc. 79)**

Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), by and through its undersigned counsel, hereby files the cover letter previously submitted with its in camera submission to Chief Magistrate Goodman (“Cover Letter”) attached hereto as **Exhibit 1**, in compliance with this Court’s Order dated February 13, 2025 (Doc. 79). Wells Fargo further states as follows:

1. It appears that due to an inadvertence, the Cover Letter was not originally provided to counsel for Plaintiffs at the time of the submission. This was due to a miscommunication while the in camera documents were being submitted to both the Court and the Clerk in a variety of forms.

2. Counsel submits that there was no ill intent associated with the inadvertence, and it is undersigned counsel’s practice to provide contemporaneous copies of such correspondence to both the Court and counsel for all other parties.

3. Immediately upon receipt of the Court’s Order and realizing the inadvertence, a copy of the Cover Letter was provided to counsel for Plaintiffs.

4. Counsel further submits that the Cover Letter was marked “Confidential” as submitted as a cover to documents that are confidential and submitted for in camera review, including via thumb drive. However, Wells Fargo agrees that the contents of the Cover Letter itself are not confidential and are consistent with the information outlined at the prior hearing with the Court. Accordingly, Wells Fargo attaches hereto for public filing a copy of the Cover Letter.

Dated: February 13, 2025

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 February 13, 2025, a copy of the foregoing was furnished

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/s/ Emily Y. Rottmann
Attorney

Exhibit 1

February 6, 2025

Via Federal Express

Chief Magistrate Judge Jonathan Goodman
Chambers, James Lawrence King Federal Justice Building
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Room 1168
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goodman@flsd.uscourts.gov

**Re: *Fanny B. Millstein and Martin Kleinbart v. Wells Fargo Bank, N.A.*
Case No. 1:24-cv-22142 (S.D. Fla.)
Submission of Documents for In Camera Review (Wells Fargo Bank, N.A.)**

Dear Chief Magistrate Judge Goodman:

This firm and the undersigned represent Wells Fargo Bank, N.A. (“Wells Fargo”) in connection with the above-referenced case.

In compliance with the Court’s instructions and the Order dated January 31, 2025 (Doc. 68), we are: (i) submitting the requested documents for in camera review via encrypted thumb drive and courtesy copy to Chambers; and (ii) filing the requested documents under seal.

A password to unzip the files on the encrypted thumb drive will be provided via separate correspondence. Please let us know if you have any trouble opening the files.

Pursuant to Wells Fargo’s reservation in its Discovery Memorandum Regarding Scope of the Bank Secrecy Act (*see* Doc. 54 at n.2), Wells Fargo also provides the following additional information regarding documents withheld pursuant to the Bank Secrecy Act’s prohibition of disclosure to aid the Court’s review *in camera*. Wells Fargo believes this information is important to understand the documents.

Comments

As part of its compliance with its BSA obligations, Wells Fargo investigators record evaluation of activity and an ultimate decision as to whether or not to file a Suspicious Activity Report (“SAR”). These documents reflect whether or not a SAR¹ has been filed and Wells Fargo’s evaluation of that decision, among other information.

¹ Importantly, the Plaintiffs have agreed they are not entitled to information that reveals whether or not a Suspicious Activity Report was filed.

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*Events, Alerting Activity, ClopCAEFI
Transaction, Newton
OFAC*

These documents are created by Wells Fargo's confidential and proprietary system for identifying potentially suspicious activity for the purpose of investigating, evaluating, and determining whether or not to file a SAR. Certain information may explicitly reveal whether or not Wells Fargo filed a SAR, and each document is intimately part of the evaluation process. For example, the Events document reveals confidential and proprietary details about information that led to the opening of a case for the purpose of making a SAR or No SAR decision. Similarly, the Transaction document reveals relevant account(s) and partie(s) that the investigator may want to utilize as part of the investigation to determine whether or not to file a SAR.

Even for the parts of the documents that do not explicitly reveal the SAR / No SAR decision, production may provide a roadmap to circumvention of Wells Fargo's Anti-Money Laundering ("AML") Program and/or otherwise reveal aspects of Wells Fargo's systems.

Wells Fargo provides this information solely to aid the Court in evaluating these documents. As detailed above, many of the documents may appear benign on their face, but in fact contain information explicitly prohibited from disclosure. Wells Fargo is happy to provide further clarification or briefing on these issues or others if it would aid the Court in its review.

Very respectfully,

/s/ Emily Y. Rottmann

Emily Y. Rottmann