

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:24-cv-22142-GAYLES/GOODMAN

FANNY B. MILLSTEIN and
MARTIN KLEINBART,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

_____ /

**DEFENDANT WELLS FARGO BANK, N.A.'S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO RESPOND
TO PLAINTIFFS' FIRST AMENDED COMPLAINT**

Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), by and through its undersigned counsel, moves for an extension of seven (7) days to file its Answer to Plaintiffs Fanny Millstein and Martin Kleinbart's ("Plaintiffs") First Amended Complaint ("FAC"), making Wells Fargo's Answer due April 14, 2025. As grounds, Wells Fargo states that:

1. On January 15, 2025, Chief Magistrate Judge Goodman entered a 75-page consolidated Report and Recommendations ("R&R") on Motions to Dismiss Related Lawsuits for both *Millstein et al. v. Wells Fargo Bank, N.A.*, No. 1:24-cv-22142-DPG (the "Investor Action"), and *Stermer, et al. v. Wells Fargo Bank, N.A.*, No. 9:24-cv-80722-DPG (S.D. Fla.) (the "Receiver Action") (ECF 53).

2. Following briefing by the parties, on March 24, 2025, the Court adopted the R&R and denied Wells Fargo's Objections (ECF 91), making Wells Fargo's Answer due April 7, 2025.

3. 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.

4. Due to the short time for the filing of its Answer and the length of the 61-page FAC, Wells Fargo asks for a one-week extension, making its Answer due April 14, 2025.

5. Counsel for Plaintiffs does not oppose the relief requested in this Motion.

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.

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). Wells Fargo respectfully submits that good cause has been shown for an extension of time in order to allow Wells Fargo to adequately respond to the lengthy FAC.

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, who does not oppose 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 extend the time for Defendant to file its Answer to Plaintiffs' First Amended Complaint, up to and including April 14, 2025, and such other and further relief as this Court deems just and proper.

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 April 3, 2025, 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 RESPOND TO PLAINTIFFS’ FIRST AMENDED COMPLAINT**

THIS CAUSE having come before the Court on Defendant’s Unopposed Motion for Extension of Time to Respond to Plaintiffs’ First Amended Complaint, it is

ORDERED AND ADJUDGED that:

The Motion is GRANTED. Defendant shall have up to and including April 14, 2025, in which to respond to Plaintiffs’ First Amended Complaint.

DONE AND ORDERED in Chambers at Miami, Florida, this _____ day of April, 2025.

Honorable Judge Darrin P. Gayles
UNITED STATES DISTRICT COURT JUDGE

Copies furnished to: All Counsel of Record