

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**Case Number: 1:24-cv-22142-GAYLES/SHAW-WILDER**

**FANNY B. MILLSTEIN and  
MARTIN KLEINBART,**

**Plaintiffs,**

**v.**

**WELLS FARGO BANK, N.A.,**

**Defendant.**

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**PLAINTIFF'S DISCOVERY MEMORANDUM AS TO ITS REQUEST FOR  
SCREENSHOTS TRACKING LIFE INSURANCE POLICIES  
AND RELATED DOCUMENTS**

Plaintiff seeks damages against Wells Fargo for aiding and abetting a Ponzi scheme involving the sale of promissory notes secured by life insurance policies. D.E. 3, ¶¶3-6. As this Court concluded, Plaintiff has sufficiently alleged Wells Fargo had knowledge of and substantially assisted the Scheme as: i) Trustee for certain irrevocable life insurance trusts; ii) Securities Intermediary for the life insurance policies; and, iii) Depository Bank for the Scheme Operators and entities controlled by them. D.E. 53, pp. 55-62, adopted D.E. 91. In these roles, Wells Fargo received documents that provided it with actual knowledge of the Scheme, including the policies themselves, various trust and policy-related documents, policy grace notices revealing the Ponzi nature of the Scheme, and documents from which it knew the policies were to be purchased for the benefit of the Class. D.E. 3, ¶¶50-76. Wells Fargo's files for the life policies are key evidence.

Wells Fargo maintains documents in FileNet, its system of record. *Search Term Conferral*, Ex.1 at 65. Documents in FileNet are not organized by policy, but rather by “dealkey” (the transaction to which they pertain). *Id.* at 65. The fraudsters engaged in three transactions through entities they controlled, known as the “Centurion” deals. *Id.* at 65-66. Each deal is governed by an agreement (“SACCA”), pursuant to which Wells Fargo performed functions that required it to receive and maintain electronic copies of the life insurance policies and related documents. *Id.* at 10-11. Policy information, including about documents received, is tracked in system called “LIAP,” where each policy has a unique “Asset ID.” *Id.* at 7-8, 11. FileNet and LIAP can be searched by Asset ID to find policy-specific documents. *Id.* at 7-8, 11.

At least 152 policies were associated with the Centurion deals. *Id.* at 14-15. But policies “travel through” multiple deal keys, and the ones associated with Centurion are also associated with at least 36 other deals. *Id.* at 50-51, 66. Wells Fargo's FileNet production from the Centurion deal keys does not contain all relevant policy documents, because they are contained across multiple deal keys. *Id.* at 17, 50-51. Wells Fargo is unable to produce information it had in LIAP about those documents because it “sunsetting” its LIAP interface after selling its trust business to Computershare (“CS”) in 2021, despite being on notice of investigations and litigation regarding the Scheme, and of potential litigation regarding its role in it. *Id.* at 19-20, 59, 63, 65. Wells Fargo agreed to have CS produce screenshots tracking the policies in LIAP, but CS instead produced only

exemplar screenshots for one policy and an excel spreadsheet purportedly containing exported data for the rest. *Id.* at 9, 19-20. That spreadsheet is insufficient because it omits critical evidence captured in the LIAP screenshots revealing key documents Wells Fargo received—such as the policies, originating documents, entitlement orders, and change forms—and is not in the format that was available to it during the pendency of the Scheme, and also not reasonably accessible to Plaintiff as a result. *Id.* at 7, 10-11, 14-15, 17-18; Screenshots, Ex.2; Exported Data, Ex.3.

Because Wells Fargo’s failure to produce all policies and related documents raises spoliation concerns, Judge Goodman ordered it to produce retention policies, and Plaintiff deposed its corporate representative. D.E. 119, 128, 129. That witness (a CS employee) could not explain why, despite being required to maintain electronic copies of policy-specific documents and being able to search for them, Wells Fargo has largely failed to produce them. Ex.1 at 7-8, 10-11.

The screenshots are relevant because they bear on what documents Wells Fargo received, establishing its actual knowledge of the Scheme, and also what documents it had at one time and potentially spoliated. *Lesti v. Wells Fargo Bank, N.A.*, 2014 WL 12828852, at \*5 (M.D. Fla. Feb. 20, 2014) (compelling as relevant privilege log listing documents that could show Wells Fargo had actual knowledge of Ponzi scheme); *Calixto v. Watson Bowman Acme Corp.*, 2008 WL 4487679, at \*4 (S.D. Fla. Sept. 29, 2008) (compelling as relevant evidence that could establish knowledge element of plaintiff’s claim); *In re Takata Airbag Products Liab. Litig.*, 2017 WL 8812734, at \*5 (S.D. Fla. July 5, 2017) (Rule 26 permits discovery “to evaluate the ‘existence...custody...and location of...documents’”), adopted, 2018 WL 1859338 (S.D. Fla. Feb. 6, 2018). Plaintiff’s request for them is proportional because Wells Fargo’s policy files are pivotal to the claims in this class action, they are the only source available for Plaintiff to determine what Wells Fargo received, and Wells Fargo (through CS) has the resources to produce them. *See Fed. R. Civ. P. 26*, 2015 Advisory Committee Notes (proportionality analysis considers all relevant factors to make “a case-specific determination”). Any marginal burden to produce the screenshots is thus far outweighed by the significant relevance of that evidence and Plaintiff’s critical need for it. *See id.*

### **CONCLUSION**

Wells Fargo (through CS) should be ordered to produce screenshots tracking all polices.

Dated: October 20, 2025.

Respectfully submitted,

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*Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by CM/ECF on October 20, 2025, on all counsel or parties of record on the Service List below.

/s/ Seth Miles

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

# **EXHIBIT 1**

## Amelie Escobio

---

**From:** Elena Marlow  
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**To:** 'Rottmann, Emily Y.'; Brett E Von Borke; Shaw, Jarrod D.  
**Cc:** David M. Buckner; Seth Miles; 'jds@sallahlaw.com'; Griset, Jill Crawley; 'jak@sallahlaw.com'; 'ssilver@silverlaw.com'; 'rschwamm@silverlaw.com'; 'pspett@silverlaw.com'; Hestin, Nellie E.; Amelie Escobio; 'Alex Llanos'; Haskell, Rick C.; Jon Kobrinski; Maha Adnan; Olshan, Eric G.; Cuffe, E. Paul  
**Subject:** RE: Seeman Holz - Search Term Conferral

Thank you, Emily. We will contact chambers in the morning, confirm the Judge's continued availability early in the afternoon, and notice accordingly. Elena

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Elena:

Thank you for confirming. We can make early afternoon on October 31<sup>st</sup> work. Later afternoon gets difficult in Jacksonville with Florida Georgia being in town that weekend.

Thank you,  
Emily

**Emily Y. Rottmann**  
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Yes, via Zoom, thanks.

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**Subject:** RE: Seeman Holz - Search Term Conferral

Elena:

To confirm, is this via Zoom? I'm working on checking schedules now, but it may make a difference.

Thank you,

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Emily,

With regard to the parties' disagreement as to whether Wells Fargo must produce screenshots of the LIAP modules for all policies that passed through the Seeman Holtz accounts, Judge Wilder-Shaw currently has availability to hear the matter on October 31 from 1-5, and also on November 7 from 1-5.

Please advise us as soon as possible as to Wells Fargo's availability, as the slots are not held in the interim.

Thank you,

Elena Marlow

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**Subject:** RE: Seeman Holz - Search Term Conferral

Elena:

Thank you for your email on Saturday. Please find below our response to a few of the items listed.

- a. Wells Fargo's Objections to Definitions and Instructions #5 (SARS): Wells Fargo is not withholding any documents on this basis and is responding consistent with Judge Goodman's prior ruling.
  - a. **To clarify, Wells Fargo is following Judge Goodman's ruling, that contemplates withholding SARs, to the extent any such document exists. Otherwise, we are producing and/or logging documents with redactions pursuant to Judge Goodman's ruling.**
- b. Requests 1, 2, 5: The parties agreed to defer the discussion regarding these requests until Wells Fargo determines whether it can locate the referenced procedures. Wells Fargo is currently searching, and will keep Plaintiff updated regarding when it anticipates having a response.
  - a. **This matches with our understanding as well, thank you.**
- c. Requests 3, 4 & 6: Wells Fargo is searching for responsive documents, and agrees the requests are specific and unambiguous.
  - a. **We reiterate that Wells Fargo objects to these Requests to the extent they assume responsive documents exist and/or that a violation occurred, and we disagree with some of your definitional characterizations (such as of the "Scheme"). Wells Fargo reiterates its privilege, work product, and burdensome objections. With that said, Wells Fargo agrees that it is conducting a diligent search for responsive documents in the logical areas of the Bank where the documents would be located.**
- d. Categories 1 – 7: Wells Fargo will continue to supplement its response and produce any additional responsive documents. Wells Fargo will advise Plaintiff if it withdraws its objections to the extent they state Defendant declines to undertake an audit of the discovery produced to date, and whether it will continue to supplement its response by identifying additional specific documents from those already produced by any party.
  - a. **To clarify, Wells Fargo understands that Plaintiff's primary concern is that Wells Fargo will rely upon documents that were not produced, and Wells Fargo agrees that it will continue to meet its obligations pursuant to the Rules and produce responsive documents and supplement its responses as necessary.**
  - b. **As we discussed, many of the documents in this Category were not produced by Wells Fargo and were produced by Plaintiffs, the Receiver, and/or other non-parties to this litigation. Of course, we have referenced documents and/or categories of documents as we can (given that the production is continuing and there are millions of pages of responsive documents to parse through). As we continue to work through the production, we are happy to continue to supplement this response with specific references to same – including related to documents produced by non-Wells Fargo parties.**
  - c. **However, to the extent Plaintiff is taking the position that Wells Fargo is required to specifically reference every document that might be responsive that were produced by other Parties and/or non-parties, including but not limited to the Receiver, it may make sense to continue our discussions, as we would note that Plaintiff's discovery responses to Wells Fargo's request make no such specific references as they currently stand. By way of limited example, though Wells Fargo sought to explore the basis for the Complaint and its allegations, Plaintiff's Responses make no specific references instead generally stating that responsive documents will be produced. We look forward to hearing your response.**

- e. Category 7: Plaintiff will consider Wells Fargo's proposal of the sampling in light of Request ##77-78.
  - a. We look forward to hearing from you on this section.

**Emily Y. Rottmann**

Partner

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**Subject:** RE: Seeman Holz - Search Term Conferral

Emily,

Thank you for speaking with us yesterday regarding Defendant's Response to Plaintiff's Third RFP. Below is a summary of our discussion.

- a. Wells Fargo's Objections to Definitions and Instructions #5 (SARS): Wells Fargo is not withholding any documents on this basis and is responding consistent with Judge Goodman's prior ruling.
- b. Requests 1, 2, 5: The parties agreed to defer the discussion regarding these requests until Wells Fargo determines whether it can locate the referenced procedures. Wells Fargo is currently searching, and will keep Plaintiff updated regarding when it anticipates having a response.
- c. Requests 3, 4 & 6: Wells Fargo is searching for responsive documents, and agrees the requests are specific and unambiguous.
- d. Categories 1 – 7: Wells Fargo will continue to supplement its response and produce any additional responsive documents. Wells Fargo will advise Plaintiff if it withdraws its objections to the extent they state Defendant declines to undertake an audit of the discovery produced to date, and whether it will continue to supplement its response by identifying additional specific documents from those already produced by any party.
- e. Category 7: Plaintiff will consider Wells Fargo's proposal of the sampling in light of Request ##77-78.

Please let us know if anything above is inaccurate or requires clarification.

Regards,

Elena Marlow

Buckner + Miles

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**From:** Elena Marlow

**Sent:** Monday, September 29, 2025 11:27 AM

**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [ids@sallahlaw.com](mailto:ids@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>; Olshan, Eric G. <[eolshan@mcguirewoods.com](mailto:eolshan@mcguirewoods.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Emily,

With regard to Defendant's Response to Plaintiff's Third RFP, the issues we would like to discuss on the call on Friday are the following:

1. Requests 1, 2 & 5: Defendant's response states it will produce these polices and forms to the extent they are located. It is Plaintiff's position that, if they are not located, Wells Fargo is obligated to explain whether they existed at one time and, if not, the circumstances of their deletion and/or destruction.
2. Requests 3, 4 & 6: We appreciate Wells Fargo is determining if potentially responsive documents exist. We would like to understand how Wells is limiting its search in light of its objections, as it is Plaintiff's position that the matters to which the documents and communications relate are targeted and specific.
3. Categories 1 – 6: It is Plaintiff's position that Wells Fargo must search for and either produce or specifically identify all responsive documents, or be precluded from using them in support of its defense. Further, Plaintiff's request is not limited to documents produced to date, and it is Plaintiff's position that the various phrases Wells Fargo objects to as subject to multiple interpretations are sufficiently clear in context for Wells Fargo to be able to respond.
4. Category 7: Any agreements between the class members and Wells Fargo are not responsive to this request. It is also Plaintiff's position that Wells Fargo must search for and either produce or specifically identify all responsive documents, or be precluded from using them in support of its defense. Further, Plaintiff's request is not limited to documents produced to date.

Regards,

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Case 1:24-cv-22142-DPG Document 155-1 Entered on FLSD Docket 10/20/2025 Page 8 of 14  
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**Sent:** Thursday, September 18, 2025 8:32 PM

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**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Emily,

It is simply not the case that we are insisting on receiving every document that touched Wells Fargo. Instead, it has become clear to us that Wells Fargo is missing a significant quantity of documents directly related to the policies for which it was securities intermediary and trustee. These are highly relevant to this case and should be in Wells Fargo's possession since it claims it did not delete any documents. It is also the case that Wells Fargo has not produced documents that contemporaneous records indicate it had. We do not know what happened to those documents, and Wells Fargo's witness was unable to shed light on that issue. We know Wells Fargo disagrees but, nonetheless, as part of our continuing effort to resolve what we can, we note the following:

The LIAP module documents that Wells Fargo provided for the William Branscome policy revealed, among other things, the documents that Wells Fargo received as securities intermediary, including that it received a copy of the life settlement policy. See CS\_005847. Given that Wells Fargo has produced only a handful of the more than 150 policies that went through the Seeman Holtz securities accounts, and a similarly limited number of the policy-related documents, the LIAP module documents for these other policies will reveal what other documents Wells Fargo received, which will provide us the information that Wells Fargo's corporate representative could not – what documents related to these policies Wells Fargo had but no longer does now. The relevance of this information is patent. We've reviewed the spreadsheets, but they are simply not usable in the way that the LIAP screenshots are, which were available to Wells Fargo's employees during the pendency of this scheme. We are at impasse on this and we will raise it with the Court.

We disagree with your assessment of searching for policies and policy-related documents by Asset ID. More importantly, your corporate representative and your client's employees disagree with your assessment. In a 2020 email, Paul Fritz writes to Brian Skog that he "asked over the past couple of months for you[] to do a deep dive multiple times" with regard to the Centurion account "as to what we do and do not have for each policy." Fritz notes that if Skog has not done this he "need[s] to go into filenet and do a search for each asset to determine what we have. I would suggest building a folder on S in the Centurion folder where you can put this information. You should probably just go ahead and build a funding folder for each asset and place what we have in there. Then update LIAP with comments." WF\_Mill 00425308-09. Clearly, when Wells Fargo wanted to know what documents it had for each asset/policy, it searched using the asset ID. Nor have we received either the contents of the folder that Skog populated or the LIAP pages with the comments discussing what documents Wells Fargo had. As noted above, this is another reason why we are entitled to the LIAP documents. And, Wells Fargo's corporate representative confirmed that searching by Asset ID gives you a "better chance of finding" the documents "pertaining to just one policy" including grace and lapse notices, and it "could be drilled down in FileNet."

Wells Fargo's argument that it should not have to do this search is belied by the fact that Wells Fargo still, at this late date, has produced only a few of the more than 150 policies for which it was trustee or securities intermediary for Seeman Holtz, and fewer still of the policy-related documents. These policies and policy-related documents are central to this case. Wells Fargo claims it has deleted no documents related to this matter. If so, then it needs to produce these documents. And, since it will not we will also take this up with the Court.

Wells Fargo's insistence that its trustee role has no relevance to this litigation is again belied by the facts. Wells Fargo was trustee for at least three policies owned or initiated by Seeman Holtz. And in going through the documents provided by Fred Tan, it is clear that Wells Fargo was trustee for even more. Wells Fargo is trying to minimize its role. These documents go directly to Wells Fargo's knowledge of the scheme. Because you have stated that you will argue Wells Fargo had no knowledge, these documents are central to the case.

We simply disagree with Wells Fargo's assessment. Wells Fargo had a contractual obligation to obtain and maintain policies and policy-related documents under the various SACAs/SACCAs. Wells Fargo's corporate representative made clear that she did not know what Wells Fargo had, only that it has what it has, which is a non-answer. And the bank wants us to believe that of the more than 150 policies for which it was securities intermediary, it has only a handful of those policies and policy-related documents, despite its contractual obligations to obtain and maintain them. Finally, Wells Fargo's corporate representative was noticed on the SACAs/SACCAs at a minimum on topics 1 and 2. Again, we will take this issue up with the Court.

Regards,

Brett

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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

Thank you for reaching out. Below please find our initial thoughts on the areas referenced. As I mentioned at the end of the deposition, we think it probably makes sense to hop on a call to discuss.

As discussed below, your continued requests are at a point where Wells Fargo (and CPU) must push back and note that many of the requested documents appear to have little (if any) relevance to the actual issues at play in the case. While we understand that Plaintiff's position is they are entitled to every document that touched Wells Fargo that may have been related to Centurion in any attenuated way, Wells Fargo disagrees with this position. Notwithstanding that

1. Screenshots from LIAP Module of CCT Gateway. First, as to the 3 Centurion deal keys, we have produced screenshots from the modules other than LIAP, so we understand this request to be limited to LIAP. As previously advised, it took one hour to collect the screenshot for just one of the policies at issue. Extrapolating that out, we are looking at over 100 hours to collect screenshots. This is simply not reasonable. To work through this, CPU has produced an excel spreadsheet containing much of the data from LIAP (CS\_005903). As such, based on the burden compared to relevance, that data is more than sufficient to satisfy CPU's production obligations. Other than Plaintiffs just wanting the documents, it is unclear why the data is not sufficient compared to the over 100 hours it will take to provide the screenshots.
2. Deal Series Module of CCT Gateway. The screenshots from the Deal Series module of CCT Gateway for the 3 Centurion deal keys have been produced. We have also produced the documents linked therein in Volume 6 of the Computershare production. See for example CS\_007524-007526 that is linked from the Overview tab of Centurion SPVII in Deal Series, as you can see at CS\_002884-002885. As Ms. Mizrahi-Shindel testified, she worked to maintain the file structure in the folder paths to make it easier for you to track. See Rough Draft Tr. At 94:1-9 ("And to the best of my ability, when I save them, I try to name it what they called it or -- or -- or save it so that it had that name so that you could tie it back."). We trust that addresses that inquiry.
3. Searches of FileNet. We understand the references to searches via Asset ID to be referring to FileNet. As Ms. Mizrahi-Shindel testified, the documents in FileNet are not OCR'd and are therefore not searchable. See Rough Draft Tr. at 234:6-9 (So the documents aren't, like, OCR? A. No."). Instead, there is a notes field in FileNet that may be filled in and if so that field is searchable. See Rough Draft Tr. at 232:18-20 ("But you can search, like, a note section, something like that, to see if it was listed in there."). However, as noted in the deposition, this field is far from perfect, and not useful for searches if more than one policy worth of documents is contained in a file (including zip files). As a result, this rudimentary tool is of no value given the scale that Plaintiffs are proposing for production related to every policy.

And, these issues are beside the point. We have not seen any reasoning or rationale for Wells Fargo to have to collect, search and produce all of its FileNet documents unrelated to Centurion simply because a policy that Centurion ultimately acquired traversed through a separate, non-Centurion deal. Wells Fargo has already produced the documents from the three deal keys associated with the Centurion relationship (which contain policy level documents). It also remains unclear what possible relevance such an extensive additional search has to the issues in this case. For example, the Donahue policy (Asset ID V1152091) was in four non-Centurion deals dating all the way back to 2005 before it was transferred to a Centurion deal in 2014. Why should Wells Fargo have to go back to a non-Centurion deal to produce policy level documents from 2005, which is outside the agreed time frame, and prior to the scheme even starting? This is a fundamental disagreement among the parties and searching for over 150 policies of policy level documents in deals wholly unrelated to Seeman Holtz is excessively burdensome. As we have previously discussed, the other deal keys in FileNet are in some instances voluminous (necessitating collection of at least tens of thousands of MB). And, information like insureds' medical records, authorizations, or other documents wholly irrelevant to the question of Millstein's investment with Para Longevity, does not justify the burden.

4. Trustee Related Documents. The trustee role generally has no relation or relevance to the issues in this litigation. Based on the documents produced, it appears that Wells Fargo did not have a role as trustee on any of the Centurion deals (see LIAP report, CS\_005903; SACCAs found at CS\_000474; WF\_MILL\_00129152; WF\_MILL\_00129590; WF\_MILL\_00427007). Further, it was only serving in a trustee role on a limited number of deals that any of the policies ever passed through, separate from Centurion. Setting aside the relevance of any trustee role, it is also unclear the basis for the list of documents you believe Wells Fargo should have for its role as trustee on any of these policies. Moreover, it is unclear what, if any, relevance the majority of the documents would have to the case. For example, a HIPAA Authorization can have no conceivable relevance to Plaintiffs' claims. The burden of this needle in a haystack collection is excessive. Simply stated, that Wells Fargo may have

5. Documents Referenced in SACAs/SACCAs. First, Ms. Mizrahi-Shindel was not designated to testify about compliance with the SACAs/SACCAs; thus, her testimony on such questions does not represent corporate designee testimony. However, she did indicate she understood in her individual capacity that Wells Fargo would have complied with the same. Importantly, she also testified that her understanding was that Wells Fargo would receive documents if sent to it, and those documents would be saved in FileNet as the system of record. Her understanding was also that not all documents would be received for each of the policies at issue, and that this was standard. See Rough Draft Tr. At 116:2-13 ("They can choose to send it, and if they send it, we have it."). Instead, the owner of the policies (the Centurion companies) would have been the ones in possession of the documents. The SACAs themselves are clear on this point and each SACA has its own language.

Again, setting aside the relevance, a spot check of the policies that were part of the CENTURIONDZ deal reveals that Wells Fargo did in fact have the documents listed in Schedule C of the SACCA. For example, for the Akopyan policy (4013385), DZ Bank either waived the requirement that Wells Fargo receive the documents listed or Wells Fargo in fact has and produced the documents. These documents and related waiver are found at WF\_MILL\_00360808; WF\_MILL\_00359366; WF\_MILL\_00359512; WF\_MILL\_00360808; WF\_MILL\_00360730; WF\_MILL\_00359409; WF\_MILL\_00360730; WF\_MILL\_00360730; WF\_MILL\_00359458; WF\_MILL\_00361022. The same is true for the other DZ related policies.

In other words, the documents you are questioning were produced or never provided to Wells Fargo. We hope you have likewise done this review and see that is true for all the DZ deal policies as an example.

As always and as noted above, we are happy to hop on a call to discuss further at your convenience.

Regards,  
Emily Rottmann

**Emily Y. Rottmann**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
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**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Emily,

I am following up on Plaintiff's request for Wells Fargo's position regarding the production of screenshots from all relevant CCT Gateway modules for the life settlement policies at issue, including, in particular, the Deal Series module with all hyperlinked documents and the LIAP module. As we learned in deposition, certain of those links are live and connect to underlying documents. While we previously requested Wells Fargo's position on producing these screenshots

We appreciate Wells Fargo making its records custodian available for deposition. That testimony clarified several points relevant to Plaintiffs' spoliation claim and highlighted necessary follow-up. First, we learned that Wells Fargo assigns an asset identification number to each life settlement policy and can search its systems by that number to retrieve the policy and all related documents. We therefore request production of the complete electronic policy files and related documents organized by life settlement policy.

To date, Plaintiffs have only located scattered policy documents saved as email attachments, none of which represent a complete electronic file for any of the life settlement policies. Wells Fargo's corporate representative testified that no documents have been deleted and that the auto-delete function was disabled. If that is accurate, Wells Fargo should have no difficulty producing the complete electronic policy files for each life settlement policy.

In addition, the corporate representative proffered for Topic 1 could not testify as to what documents Wells Fargo received for the ILITs, even though that topic was duly noticed. We therefore ask that Wells Fargo produce its complete files for trustee work, organized by policy or trust. Based on Wells Fargo's own records, these files should include, at a minimum:

- Trust agreement; IRS Form SS-4 and EIN assignment; Loan and Security Agreement; Borrowing Request; Letter of Credit; Cash Collateral Account Agreement; Letters to Physician and Contacts; Promissory Note; Irrevocable and Durable Limited Power of Attorney; Trustee's Affidavit; Borrower's and Insured's Certificates of Representation; HIPAA Authorization; Authorization and Direction to Provide Death Certificate; Special Power of Attorney; Financing Application and Term Sheet; Certificate of Legal Representation; Personal Guaranty (if applicable); Insured's Identification; W-9; and Attending Physicians Statements.
- Policy deliverables: application (with Agent/Insured questionnaire), policy illustrations, copy of policy, delivery receipt/acceptance form, carrier confirmation, verification of trust agreement, amendments, fact sheets, collateral assignments, insurer consents, schedule of beneficiaries, letters of instruction from grantor, acceptance of trusteeship, powers of attorney/signature authorities, annual statements, and trust correspondence.

As to Wells Fargo's role as Securities Intermediary, its corporate representative confirmed compliance with the SACAs at issue. For example, the DZ Bank SACA required Wells Fargo to maintain electronic copies of the life insurance policy, purchase and sale agreements, life settlement agreements, beneficiary consents, waivers and releases, insured acknowledgments, designated contact forms, medical authorizations, durable powers of attorney, spousal consents, government identification, entity formation documents, collateral assignments, escrow agreements, and all policy-related communications. The other two SACAs required the same categories of documents, using Wells Fargo's "proprietary collateral tracking and safekeeping system."

Since these documents have not been deleted and can be retrieved by policy, we again request that Wells Fargo produce the complete electronic files for each life settlement policy.

Many thanks.

Regards,

Brett

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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett:

It looks like 10:30-11 works tomorrow on our side. Would you mind sending around a dial-in?

Thank you,  
Emily Rottmann

**Emily Y. Rottmann**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Thursday, August 14, 2025 10:22 AM  
**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; jds@sallahlaw.com; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Emily,

We are available for a meet and confer from 10:30 a.m.–12:30 p.m. and 3:00–5:00 p.m. on both Friday and Monday. Please let me know if you are available during any of those times.

I will track down the LIAP screenshots and forward them to you.

Regards,

Brett E. von Borke, Esq.  
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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Sent:** Wednesday, August 13, 2025 3:00 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Brett:

Thank you. We will get working on the deposition dates, and we will provide a more fulsome response on the remainder. I did want to send over a few initial thoughts though.

On the remaining corporate representative deposition topics, I expect that it is going to make sense for us to have a further meet and confer call. Can you let us know when your team has some availability so that we can get that on the calendar?

Also, on the LIAP module screenshots, could you give me the bates number(s) for some of the screens that you are looking at? It would be helpful so I can make sure that we are talking about the same links.

Thank you,  
Emily Rottmann

**Emily Y. Rottmann**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Wednesday, August 13, 2025 11:47 AM  
**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset,

**Subject:** RE: Seeman Holz - Search Term Conferral

\*\*EXTERNAL EMAIL; use caution with links and attachments\*\*

Hi Emily,

Thank you for your email update.

### **WF Personnel Depositions**

We would like to work with Wells Fargo to schedule the first two tranches of depositions of Wells Fargo personnel.

#### **First tranche – October:**

1. Darya Kravtsova
2. Corbin Connell
3. Brad Martin
4. Brent Oliver
5. Jilliana Brazeau

#### **Second tranche – December:**

1. Michael Salamone
2. Beatriz Dezayas Reyes
3. Shana Stephens Murray
4. Blanca Dunmeyer
5. Paul Fritz

Please let us know what dates work for the deponents and counsel in October and December.

### **8/28 Records Custodian Deposition**

In addition, please let us know when we can schedule the records custodian deposition on the remaining topics in Plaintiffs' Notice now that the Court affirmed the magistrate judge's ruling on the litigation holds. Also, please advise when Wells Fargo intends to produce the litigation holds and other related documents. David and I will be the only ones attending the deposition from our side.

### **Life Settlement Policy List**

Thank you for clarifying that Wells Fargo has identified 152 unique asset IDs or policies in CCT Gateway. I am compiling the statements and will advise on any additional policies.

### **LIAP Hyperlinks**

With respect to the hyperlinks in the LIAP module, the screenshots show active links to documents that support the displayed information. It appears that these hyperlinks lead to the underlying policy documents and, if not, we believe Wells Fargo needs to identify and explain exactly what they link to and provide the contents of those links. From our perspective, it appears that information is excerpted from documents in the module and the hyperlink takes you to the underlying source document. If that is the case, Plaintiffs are entitled to those linked materials, and Wells Fargo should produce them along with the screenshots reflecting their existence.

### **FileNet**

Regarding FileNet, Plaintiffs' earlier statement that they were not seeking information about life settlement policies when those policies were not held for the benefit of Seeman Holtz was made without the benefit of understanding FileNet and in reliance on Wells Fargo's representations. The Branscome policy example demonstrates that foundational documents—such as the policy, application, and other originating records—do not appear in the Seeman Holtz

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Branscome file but only in the earlier file for the originating party. If Wells Fargo's records are organized in this manner, then limiting production to Seeman Holtz files would omit critical information. Plaintiffs require the foundational documents for all life settlement policies originated by other parties where Wells Fargo served as Securities Intermediary. We believe these documents need to be produced by Wells Fargo.

Regards,

Brett

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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Sent:** Tuesday, August 5, 2025 12:50 PM

**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett:

Thank you again for your email as we continue to work through document collection and production, including with Computershare. See below responses to your comments. We think once you review, it likely makes sense to set a time to further touch base.

As to the number of policies at issue, I am specifically showing 152 unique asset ids in a de-duplicated list of those associated with the 3 Centurion deals in CCT Gateway. I have seen several different Statements of Assets, so it would help if you could clarify which one you are pointing to or an example of those policies you show are not reflected in the CCT Gateway deal series module. From some spot checking of some of the Statements of Assets, I was not able to readily identify a discrepancy.

On the LIAP module from CCT Gateway, you should have received the export of that information into excel. I am told that the hyperlinks within the LIAP module link to other content in the CCT Gateway module or provide potentially limited additional detail when clicked on such as who a task may be assigned to. The LIAP module does not link to documents.

On FileNet, we think we need to clarify here as there seems to be continued confusion. The approximately 3,500 documents you are referencing are just from two other dealkeys AMT and MLSF and does not represent the universe of

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other dealkeys that any of the Centurion policies may have ever passed through which either pre or postdate the time the policies were held with Centurion. As previously indicated, those dealkeys vary in size in FileNet, in some instances substantially. One dealkey, CACEISPEN, identified contains more than 60,000 files, some of which may be .zip files. The burden to pull that dealkey far exceeds any potential benefit given that it looks like there are less than 20 policies that ever were in the CACEISPEN dealkey that also were in a Centurion related dealkey. This is consistent with the position you articulated in your June 3 email. Specifically, you agreed that "Plaintiffs are not seeking information about life settlement policies when those policies were not held for the benefit of Seeman Holtz. For instance, if a policy was held in a Deal Key unrelated to Seeman Holtz in 2010 but later appeared in a Seeman Holtz-related Deal Key in 2014, we would only seek the 2014 material." As a result, your request to review additional dealkey documents is at odds with prior position.

As noted above, we think a call is appropriate, and we would like to further discuss the burden here and the best way to work through this.

Thank you,  
Emily Rottmann

**Emily Y. Rottmann**

Partner

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---

**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Wednesday, July 30, 2025 8:53 AM

**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

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Okay, thank you for letting us know Emily. Be well.

Brett E. von Borke, Esq.

Buckner + Miles

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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Sent:** Wednesday, July 30, 2025 8:41 AM

**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett:

Circling back on this. We are working on a response, but Jarrod is out this week, and I have been caught up in trial preparations. As such, we have been a little delayed. We should be back to you in the next few days.

Regards,  
Emily Rottmann

**Emily Y. Rottmann**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Thursday, July 24, 2025 6:10 PM

**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

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**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Emily,

Thank you for Wells Fargo's clarifications to my email below. After reviewing CS004 we believe we now have a better understanding of how Wells Fargo kept policy-related documents and information. As you know, CS004 tracks a single policy, the Branscome policy, for which Wells Fargo was securities intermediary and 100% owner, through various deal keys, including ones related to Centurion and Centurion SPVII. Were one to look only at those screenshots that deal specifically with the Centurion or Centurion SPVII deal keys, you would miss a number of documents related to the origination of the policy that are important to this case. Moreover, Wells Fargo's trust department had a bird's eye view of the trading back and forth of each of these policies including through the Centurion-related deal keys. This informs our responses below.

First, you noted that "a little more than 100 policies" appear to have been part of the Centurion deals. Based on our review—including the Wells Fargo Statements of Assets for the Centurion transactions—we believe that number is significantly higher. We need the complete deal key history for each policy, as you provided for the Branscome policy, along with all documents hyperlinked within those deal key pages. But to get there, we need to understand why you are

Second, we appreciate that capturing screenshots of LIAP is time-consuming. However, as noted above, this evidence is central to the case. We understand an SQL-to-Excel report is being prepared, and while we will reserve judgment until we see it, the screenshots appear to capture critical information that may not be included in the export or that is impossible to discern from a spreadsheet. For example, CS\_005820 contains hyperlinks to the policy file, entitlement orders, and other key documents. The same is true in CS\_005858, CS\_005871, and CS\_005982, which reference Grace Notices, Debit Directions, Claims Forms, Custody Packages, and Change of Beneficiary forms, among others. From what we've seen, LIAP appears to be a centralized repository that organizes and links policy-level documents. Since the hyperlinks appear active in the screenshots, Wells Fargo needs to produce those documents along with the screenshots reflecting their existence.

Finally, regarding FileNet, we now better understand how materials are categorized under Deal Keys. That said, isolating FileNet searches to Centurion would omit material records. In the Branscome example from CS004, relevant policy documents appear in the MLSF deal key dating back to 2012, but not in subsequent deal keys like Centurion or CenturionSPVII. Limiting the scope to later deal keys will miss critical data and documents. And, based on Wells Fargo's conversations with us, we don't believe the production of the 3,500 documents from its FileNet search would be all that burdensome to produce.

Regards,

Brett

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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Sent:** Thursday, July 24, 2025 9:48 AM

**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett:

Thank you for the response. We have a couple of quick clarifications we wanted to send to make sure we are all on the same page, outlined below.

Emily

**Emily Y. Rottmann**

Partner

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Friday, July 18, 2025 3:21 PM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Hi Jarrod,

Thank you for conferring with us today.

**Depositions**

The parties confirmed the agreement of 20 total depositions per-side. Wells Fargo’s concern, and the basis for Jarrod’s email, is that a party does not notice a deposition but attends and conducts a full-length deposition of a witness noticed by the other side. The parties agree this should count toward a party’s 20 depositions. Cross-examination in response to another party’s deposition questioning would not count toward the 20 deposition limit. The parties agreed to work cooperatively to allow each other sufficient time for those depositions noticed by both sides.

**Topics 25–27**

Wells Fargo confirmed its corporate designee scheduled for August 20 will not testify on Topics 25–27. Wells Fargo proposed tabling those topics pending the Court’s ruling on the litigation holds. Plaintiffs agree and will revisit after the ruling.

**FileNet Production**

Wells Fargo has collected 3,500 documents tied to the AMT and WLFA deal keys. Of those, 22 hit on “Centurion” and will be produced. Plaintiffs will review the 22 documents and the parties will confer with regard to the remainder thereafter. For clarity, the two deal keys from FileNet we mentioned are AMT and MLSF, we have also now received WLFA and are working on analyzing it. Otherwise yes, our intent is to produce the limited documents hitting on Consilio, and we can continue discussions from there.

**LIAP/CCT Gateway**

Wells Fargo identified 100 policies in LIAP. The interface is no longer available to Wells Fargo, who said screenshotting is burdensome. Wells Fargo is exploring whether the data can be exported from the SQL database into Excel. That effort is underway. The parties will confer and determine whether continued screenshots are required depending on what the SQL-Excel export reveal.

This is largely correct. As noted, we identified a little more than 100 policies that appear to have been at some point part of one of the Centurion Deals based on the information in CCT Gateway. Wells Fargo maintains the back-end SQL database for CCT Gateway, but not the user interface. Computershare maintains the SQL database as well as the front-end user interface. Computershare pulling the screenshots for each of those policies in the LIAP module was proving

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burdensome, and pulling the same information directly from the SQL database is producing something that would be difficult for any of the parties to understand. There is certain existing reporting set up that pulls large portions of the information from the LIAP module of CCT Gateway, and we are having that run with a few additional data points for all of the policies referenced above. This should be produced in the next couple of days.

**Email Production**

Wells Fargo anticipates producing additional emails within the next two weeks.

Please let me know if anything above is inaccurate or requires clarification.

Many thanks.

Regards,

Brett

Brett E. von Borke, Esq.  
Buckner + Miles  
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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Sent:** Thursday, July 17, 2025 1:29 PM

**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

For our call tomorrow can we'd like to touch on a few additional issues while we have the time on the calendar.

- Corporate designee deposition topics 25-27. Specifically, for 25-27 we will need to produce a different witness.
- Instant Messages Generally
- Filenet Production Update
- LIAP production status

Thanks,

Jarrod

**Jarrold D. Shaw**

Partner

McGuireWoods LLP

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[jshaw@mcguirewoods.com](mailto:jshaw@mcguirewoods.com)

---

**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Wednesday, July 16, 2025 2:45 PM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

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Calendar invite sent and zoom information below:

Invite sent and information below:

Brett von Borke is inviting you to a scheduled Zoom meeting.

Topic: WF: M&C re: Depositions

Time: Jul 18, 2025 11:30 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82980152069?pwd=WaOqXLHGa3c8woW1Pxcxb6i3QTxVrv.1>

Meeting ID: 829 8015 2069

Passcode: 568340

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One tap mobile

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+13092053325,,82980152069#,,,,\*568340# US

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- +1 301 715 8592 US (Washington DC)
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- +1 507 473 4847 US
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- +1 669 444 9171 US
- +1 689 278 1000 US
- +1 719 359 4580 US

Meeting ID: 829 8015 2069  
Passcode: 568340

Find your local number: <https://us06web.zoom.us/j/kblQP0IUy4>

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**From:** Brett E Von Borke

**Sent:** Wednesday, July 16, 2025 2:38 PM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

Thank you, Jarrod. I'll circulate a zoom link shortly for 11:30 am on Friday.

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Sent:** Wednesday, July 16, 2025 2:32 PM

**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

Sure; how about tomorrow at 2-3 or Friday 11-1?

### Jarrod D. Shaw

Partner

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---

**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Wednesday, July 16, 2025 2:24 PM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

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Jarrod,

We want to make sure we understand your position and its implications regarding the depositions. Do you have time for a brief call later this week?

Many thanks.

Regards,

Brett

Brett E. von Borke, Esq.

Buckner + Miles

2020 Salzedo Street | Suite 302

Coral Gables | Florida | 33134

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Case 1:24-cv-22142-DPG Document 155-1 Entered on FLSD Docket 10/20/2025 Page 25 of 114  
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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Sent:** Wednesday, July 16, 2025 1:39 PM

**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

Wells is agreeable to extending the schedule 120-days. In addition, we are agreeable to stipulating to 20 fact witness depositions per side. This assumes if you cross notice that counts as one of the depositions.

Please send us a draft stipulation when you have a moment.

Jarrod

**Jarrod D. Shaw**

Partner

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[jshaw@mcguirewoods.com](mailto:jshaw@mcguirewoods.com)

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Friday, July 11, 2025 6:10 PM

**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Jarrod,

As discussed, the parties previously agreed to extend the current schedule. Plaintiffs are preparing a draft for Wells Fargo's review and expect to send it next week. In the meantime, we wanted to begin the timing discussion.

Case 1:24-cv-22142-DPG Document 155-1 Entered on FLSD Docket 10/20/2025 Page 26 of 26  
In light of the volume of the Receiver's production, Wells Fargo's outstanding production, and several pending third-party subpoenas, we believe a 120-day extension of the remaining deadlines is warranted. This should provide both sides sufficient time to complete productions, review the documents, and prepare for fact depositions.

As you know, Federal Rule 30(a)(2)(A)(i) limits each side to 10 depositions absent stipulation or court order. Given the complexity of the case and the number of individuals across multiple institutions, we propose stipulating to 20 fact witness depositions per side. While we hope to take fewer, we believe this is a reasonable number under the circumstances.

Please let us know Wells Fargo's position on both the schedule and the proposed deposition stipulation.

Many thanks.

Regards,

Brett

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**From:** Brett E Von Borke

**Sent:** Tuesday, July 8, 2025 1:50 PM

**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

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**Subject:** RE: Seeman Holz - Search Term Conferral

Thank you, Emily. Much appreciated.

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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Sent:** Tuesday, July 8, 2025 12:55 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Brett:

We can use our Baltimore office:

500 East Pratt Street  
Suite 1000  
Baltimore, MD 21202-3169

Thank you,  
Emily

**Emily Y. Rottmann**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Tuesday, July 8, 2025 12:35 PM  
**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Emily,

Thank you for providing us with dates. Let's go ahead and schedule the deposition for August 20 in Baltimore. We'd like to conduct it in person, so please let us know your preferred location and we'll notice accordingly.

Many thanks.

Regards,

Brett

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**Sent:** Tuesday, July 8, 2025 11:05 AM  
**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
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Brett:

We have been working on clearing schedules on our end for the deposition. It looks like the best dates are August 19<sup>th</sup> or 20<sup>th</sup>. Between a number of conflicting court and trial dates in other cases, some of the earlier August dates are proving difficult, but we should have greater clarity on that in the next week.

The witness is likely going to be in Baltimore, MD to the extent you want to take this in person. We are happy to hop on a quick call to discuss if that would be helpful.

Thank you,  
Emily

**Emily Y. Rottmann**

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**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow

**Subject:** RE: Seeman Holz - Search Term Conferral

Brett – yes, the witness will be prepared to testify on those documents.

**Jarrold D. Shaw**

Partner

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Thursday, July 3, 2025 4:06 PM

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Hi Jarrod,

Thank you for the update.

To clarify, we do intend to inquire about the systems. However, because we do not have comparable documents about the systems from Wells Fargo, we believe the Computershare documents will be useful in framing our questions. For example, some of the screenshots appear to reflect system layout and documentation within particular systems, which would help orient the witness during the deposition.

Our concern is using these materials to discuss the systems, only to have the witness disclaim knowledge because the documents were produced by Computershare. We want to avoid that scenario.

Many thanks.

Regards,

Brett

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Thursday, July 3, 2025 11:38 AM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

Just for clarity, when you say regarding the documents you mean the systems as we've been discussing, not the substance. I believe that's what you are requesting and just want to confirm. But the answer is yes, the witness will be able to cover them (and they are already included in the topics you identify).

As for location, we are still working on that. Given the holiday, response time from the potential witness has been a little slower than usual. And I may have been wrong on the location so give me until next week to get you the information.

Lastly, we are still looking at the topics 25-27. That is a very different system/issue so we aren't sure if we can combine with this witness.

Jarrold

**Jarrold D. Shaw**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Thursday, July 3, 2025 11:32 AM  
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**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Jarrod,

Following up on my email below.

We also ask that you confirm whether the Wells Fargo 30(b)(6) corporate representative will be prepared to testify regarding the documents and the systems referenced therein produced by Computershare in productions 002-004. We

Please let us know.

Many thanks and happy 4<sup>th</sup>.

Regards,

Brett

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**From:** Brett E Von Borke

**Sent:** Thursday, June 26, 2025 12:40 PM

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**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Jarrod,

Thank you for meeting and conferring with us today.

The parties discussed Plaintiffs' proposed 30(b)(6) records custodian notice topics. As to Topic 1, Plaintiffs clarified that "preservation" does not include legal holds. With respect to Topic 2, Plaintiffs agreed to narrow it, as Wells Fargo proposed, to documents related to the Seeman Holtz life settlement policies.

Wells Fargo informed us that it would object to Topics 3–8 and 28 based on its pending appeal of Judge Goodman's ruling. The parties agree to revisit these topics following Judge Gayles's resolution of Wells Fargo's appeal of the Goodman Order, and if we cannot agree and Wells Fargo moves for a protective order or Plaintiff moves to compel, neither side will argue that the relevant motion is untimely.

Plaintiffs agreed to withdraw Topic 9. Wells Fargo has no objections to Topics 10–27.

Although the parties discussed possibly withdrawing Topics 25–27, Plaintiffs prefer to address this aspect of the records custodian testimony in one sitting. These topics relate to the systems already being discussed, and if the system functions as Wells Fargo has represented, we do not anticipate that it will require significant deposition time.

Wells Fargo indicated the deposition will likely take place in New York City, but will confirm and provide proposed dates. Please let us know if anything above is inaccurate or requires clarification.

Many thanks.

Regards,

Brett

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Wednesday, June 25, 2025 12:16 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
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Yes, we can make noon work. Will you send an invite?

**Jarrod D. Shaw**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Wednesday, June 25, 2025 12:11 PM  
**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

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Why don't we discuss tomorrow. Does noon work for your side? Thanks.

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Wednesday, June 25, 2025 12:09 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Sure; I can be available now until 2. Then tomorrow we have more flexibility.

### Jarrold D. Shaw

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Wednesday, June 25, 2025 12:07 PM  
**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Jarrod,

Please let us know when you are available to meet and confer. Thank you.

Regards,

Brett

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Wednesday, June 25, 2025 12:00 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

Thanks for your email but the below is inaccurate.

I said there were 4 categories:

- 1) Substantive topics
- 2) Documents related to where the documents are kept, retention, etc.
- 3) Legal Hold related documents
- 4) Messaging.

I was very clear that Wells Fargo objects to Topics 3-8. Hence our objection to the District Court and position on the work product doctrine/attorney client privilege. David specifically noted that he understood and said we could work something out. If there is confusion on that point then we should meet and confer. We noted we could move forward with topics 1, 10-24 (I'm using the first notice to reference topic numbers).

We appreciate you withdrawing topic 9. For Topic 2, could you narrow that topic to securities intermediary and trustee in connection with the Seeman Holtz policies identified by plaintiffs or some other limiting factor. The corporate trust business has several lines of business and this is a small fraction. Otherwise, the topic becomes far too unwieldy and outside the scope of the litigation.

Lastly, we continue to object to topic 28 which I noted as well given that necessarily invades the work product and attorney client privilege and we have provided you with this information, in detail, in emails and conversations. That

We look forward to your response.

Jarrold

**Jarrold D. Shaw**

Partner

McGuireWoods LLP

T: +1 412 667 7907 | M: +1 412 298 1514

[jshaw@mcguirewoods.com](mailto:jshaw@mcguirewoods.com)

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Wednesday, June 25, 2025 11:49 AM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Jarrod,

Thank you for taking the time to discuss Plaintiffs' proposed 30(b)(6) topics with us yesterday.

Based on our conversation, we understand that Wells Fargo agrees to topics 1, 3–8, and 10–26. With respect to topics 2 and 9, we understand Wells Fargo believes these are substantive and more appropriate for a non-records custodian deposition.

We agree as to topic 9 and will withdraw it until we delve into substantive topics later. As for topic 2, we are comfortable narrowing it to cover only the types of documents and data Wells Fargo would have related to its roles as securities intermediary and trustee. Please let us know if this addresses Wells Fargo's concerns.

Also, please provide us with some proposed dates and let us know the location of the deposition.

Many thanks.

Regards,

Brett

Brett E. von Borke, Esq.

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Case 1:24-cv-22142-DPG Document 155-1 Entered on FLSD Docket 10/20/2025 Page 36 of 114  
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---

**From:** Brett E Von Borke

**Sent:** Thursday, June 19, 2025 1:19 PM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Jarrod,

We have been clear since June 3 that we would be seeking a hearing if a 30(b)(6) deposition date was not provided. David requested again a 30(b)(6) deposition in light of Emily's acknowledgement that other than the one box of documents little more is forthcoming with regard to the life settlement policy files. In the meantime, we heard from the Court about scheduling a hearing on that issue. While we remain committed to working cooperatively, we need to move this process forward. We have been trying for months to understand how and why Wells Fargo has been unable to produce the life settlement policy files and attendant documentation.

Attached are the proposed 30(b)(6) deposition topics. We are happy to schedule a time to discuss if that would be helpful. If we can avoid having the Court decide this issue that would be preferable.

Regards,

Brett

Brett E. von Borke, Esq.

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Sent:** Wednesday, June 18, 2025 6:23 PM

**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Cc:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com);

<NHestin@mcguirewoods.com>; Amelie Escobio <escobio@bucknermiles.com>; Elena Marlow <emarlow@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>; Haskell, Rick C. <RHaskell@mcguirewoods.com>; Jon Kobrinski <jkobrinski@bucknermiles.com>; Maha Adnan <madnan@bucknermiles.com>

**Subject:** Re: Seeman Holz - Search Term Conferral

Brett,

That's surprising to us given David's email not long ago. I assume but am not sure if your issue below is the same as David's.

Nonetheless, it would be helpful if you could provide topics so that we can discuss them with Wells. That may limit or obviate the issues for an hearing which we believe is premature. If you have already sent those then perhaps I missed it but that will allow us to understand what you are looking for and how we plan to respond.

Thanks,

Jarrood

On Jun 18, 2025, at 6:15 PM, Brett E Von Borke <vonborke@bucknermiles.com> wrote:

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Hi Jarrod and Emily,

We previously reached out to the Court to request a hearing date on our motion to compel a 30(b)(6) deposition regarding Wells Fargo's records. The Court informed us this evening that it will add that issue to the hearing currently scheduled for June 25. Of course, if Wells Fargo no longer opposes that deposition, please advise and we will work with you to set it in July.

Many thanks.

Regards,

Brett

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**From:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Sent:** Wednesday, June 18, 2025 4:25 PM  
**To:** 'Rottmann, Emily Y.' <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Thanks for that information Emily and Jarrod. It appears as if Wells Fargo will be done producing policy related documents in the next week or so. We'd like to set a 30(b)(6) deposition regarding Wells Fargo's records. Please provide us with some dates in July that work. Thanks.

David M. Buckner, Esq.  
Buckner + Miles  
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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Sent:** Wednesday, June 18, 2025 4:05 PM  
**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

David:

I am coming up for air after my deposition and traveling tonight, but I will try to get out responses to the various inquiries in between things. We have confirmed that "libraries" were a way of denoting the folder structure within CTS Link, so they are not something separate. As previously advised, CTS Link is a file transfer system with an auto roll off for any uploaded files of typically 30 days. I.e., much like when we produce documents, they are available for a short period of time and then automatically delete. After the auto roll off, files were available in archival format for 7 days and then permanently deleted. We understand that for a document to be saved more permanently, someone would have

Thank you,  
Emily Rottmann

**Emily Y. Rottmann**

Partner  
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T: +1 904 798 3224  
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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Wednesday, June 18, 2025 2:53 PM  
**To:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

David,

As an initial matter, Emily is out so it's hamstrung some on being as specific but I want to be quick in responding.

First, a production from CTS Gateway/CCT Gateway is going out this afternoon or tomorrow depending on processing. It is currently in line to go out. For the vault documents, we just received them after the scanning and intake process and the review is currently underway. We do not anticipate that taking very long given the size and I can update you Friday on the ETA (tomorrow is a bank holiday so our contacts are out). I'd note that Emily, being the careful lawyer that she is, said "I'm hoping we can make it next week." That time is slipping some but not much.

Lastly, I'll need Emily to chime in on your last point about CTS libraries as that has been Emily's focus.

Jarrold

**Jarrold D. Shaw**

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**Sent:** Wednesday, June 18, 2025 2:35 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); Griset, Jill Crawley

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**Subject:** RE: Seeman Holz - Search Term Conferral

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Emily and Jarrod,

Wells Fargo represented to Judge Goodman that it thought it would produce the files from ABS Custody Vault last week. Further, you thought you would process and produce the additional Deal Key files within a couple of weeks. You also thought you would produce documents from CTS Gateway/CCT Gateway last week. Do you have any update on when we might receive these documents?

Finally, have either Wells Fargo or Computershare located the CTS Libraries? If not we need to know now so that we can determine our next steps. Please let us know.

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Wednesday, June 18, 2025 2:23 PM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; jds@sallahlaw.com; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Grisett, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Jarrod,

I think we read the email differently, but I appreciate the lens through which you are interpreting it. You may be correct.

That said, we went back through the policies and procedures this morning, and they appear to pertain almost exclusively to BSA and AML. I do not believe there are any policies and procedures specifically related to corporate trust services, ILITS, or trustees.

Is the takeaway that such policies and procedures do not exist, or that Wells Fargo no longer maintains them?

Many thanks.

Regards,

Brett

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Tuesday, June 17, 2025 7:07 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

Thanks for your email. Perhaps we are reading the attached differently, but this does not appear to show Wells Fargo reporting anything. Rather, the letter is addressed to Kevan Hirsh who sent a letter to Transamerica about his clients (I believe Mr. Hirsh is a lawyer). Perhaps I am missing something and you are correct, but I do not see where it says reported anything. If you think otherwise please let me know.

I believe we have dealt with the policies and procedures already and to the extent Wells had those (since they were requested) to the extent they existed they would have been produced. We are also working on responses to your previous emails, but I was online and reviewed this one which has a quicker response.

**Jarrold D. Shaw**

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**From:** Brett E Von Borke [vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)  
**Sent:** Tuesday, June 17, 2025 6:44 PM  
**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Jarrod and Emily,

As mentioned yesterday, we're reviewing Production 15. In WF\_MILL\_00436728-30, it appears Wells Fargo reported a STOLI violation to an insurance carrier. To date, Wells Fargo has not produced any policies or procedures outlining how Wells Fargo identified or reported STOLI policies.

Please let us know when we can expect those documents to be produced.

Many thanks.

Regards,

Brett

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**From:** Brett E Von Borke

**Sent:** Monday, June 16, 2025 1:57 PM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

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**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Jarrod and Emily,

We are in the process of reviewing Wells Fargo's Production 15. It appears one of the CTS Libraries was named "Centurion" (WF\_MILL\_00436774). Would you please confirm whether that library still exists and identify any other libraries that were created in CTS Library for Seeman Holtz-related entities?

Additionally, we noted reference to a system called "LIAP for Centurion." (WF\_MILL\_00436880). Can you help us understand what LIAP was, what its function was, and the types of documents maintained there? Also, would you please let us know if that system remains active at Wells Fargo or whether it was transferred to ComputerShare?

Finally, WF\_MILL\_00436765 appears to reflect part of a conversation among members of the CTS division through Wells Fargo's internal messaging system. It seems these messages were only preserved because someone copied and pasted them into emails. Would you please confirm whether that is the case? The disclaimer at the bottom of the message notes the system is "subject to archival"—please let us know whether any instant messages related to Seeman Holtz were archived and, if so, whether they can be produced.

Many thanks.

Regards,

Brett

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Friday, June 13, 2025 3:04 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

We have been and continue to work on responses to your below inquiry. We will respond early next week.

Jarrood

**Jarrood D. Shaw**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Friday, June 13, 2025 2:45 PM  
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**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Emily,

I'm following up on my email of June 3<sup>rd</sup>. We have not yet received a response, and I wanted to confirm where Wells Fargo stands on several open issues. We have waited patiently, but discovery deadlines continue to approach, and we need clarity now to avoid additional motion practice.

1. Deal Keys / FileNet

Thank you for confirming production of the AMT and MLSF Deal Keys. However, we still have not received confirmation that the WFLAA Deal Key—previously agreed to—remains part of Wells Fargo's production plan. Please confirm.

In addition, we asked whether Wells Fargo can identify the time periods in which it served as Securities Intermediary for the Seeman Holtz policies, so that we can understand which Deal Keys relate to those timeframes. Has Wells Fargo completed that analysis? Will it share the date ranges by Deal Key with us?

Finally, please let us know when Wells Fargo will produce the AMT, MLSF, and WFLAA Deal Keys.

## 2. **ABS Custody Vault**

Plaintiffs requested an explanation of how Wells Fargo determined that no request had been made to store the remaining 91 life settlement policies in hard copy. What records did it consult? Please provide those to us.

Also, when can we expect production of the 13 policy files that were maintained in ABS Custody Vault and are currently held by Computershare? I believe you represented to the Court that production would take place this week. Please let us know.

## 3. **CTS Link Library**

Plaintiffs requested a list of what was stored in the CTS Link Library and for which policies. We also asked whether any data or documents were deleted, when that deletion occurred, and what remains accessible to Wells Fargo and Computershare. Please advise when we can expect those answers.

If neither Computershare nor Wells Fargo can produce the contents of the CTS Link Library for all of the Seeman Holtz policies, then we again request deposition dates for an adequately prepared 30(b)(6) witness to address these and other issues.

## 4. **CCT Gateway**

Plaintiffs still do not have a clear understanding of what CCT Gateway housed. Wells Fargo has not produced any documents from the system and instead directed us to a production that has not occurred. Please confirm when the archival SQL data underlying the Gateway will be produced so Plaintiffs can evaluate what, if anything, was preserved.

## 5. **Document Preservation / Deletion**

Plaintiffs requested confirmation of the following:

1. When CTS Link Library, ABS Custody Vault, and CCT Gateway were deleted or transferred;
2. What documents or data were stored on each system;
3. What Seeman Holtz-related documents were deleted at or before the time of transfer to Computershare.

If Wells Fargo cannot answer these questions, please confirm whether it is now willing to proceed with a Rule 30(b)(6) deposition so we can obtain that information directly.

We have worked in good faith to avoid burdening the Court and still hope that these questions can be answered cooperatively. However, we now need to advise the Court on what remains outstanding and propose a path forward. If Wells Fargo does not intend to respond to these issues, please let us know so we can proceed accordingly.

Many thanks.

Regards,

Brett

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**From:** Brett E Von Borke  
**Sent:** Tuesday, June 3, 2025 7:33 PM  
**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>; Maha Adnan <[madnan@bucknermiles.com](mailto:madnan@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Emily,

Thank you for your email and for providing certain clarifications regarding the documents held by Wells Fargo and Computershare. Based on your representations, it is now clear that Wells Fargo no longer maintains control over key repositories central to this case—specifically, CTS Link Library and CCT Gateway. It also appears Wells Fargo has known this from the outset, yet Computershare, which you identify as the current custodian of those documents from Wells Fargo, has produced only 143 documents despite being separately served with a subpoena on September 23, 2024 (apart from Wells Fargo’s obligation to produce documents it gave to Computershare, which arose from our first RFP served at the end of August 2024). From your email, it also seems that neither Wells Fargo nor Computershare—despite both being represented by McGuireWoods—can state with any certainty what Computershare has, what has been preserved and what has been lost, more than nine months later. Meanwhile, discovery deadlines are approaching, and we are left with repeated assurances that a substantial production of these critical documents is forthcoming, yet that day has not arrived. We have been patient and worked with you, but we have waited long enough for meaningful answers. While we understand Wells Fargo disagrees, we intend to seek relief from the Court and will request a hearing to compel a deposition of Wells Fargo’s records custodian on document retention and collection efforts. We will follow up shortly with proposed hearing dates and trust that Wells Fargo will produce a witness adequately prepared to answer our questions should the Court order one.

#### **FileNet Documents**

Thank you for the clarifications regarding FileNet and the Deal Key documents. We appreciate that Wells Fargo has agreed to produce the AMT and MLSF Deal Keys. However, I want to confirm that this is in

We also agree that Plaintiffs are not seeking information about life settlement policies when those policies were not held for the benefit of Seeman Holtz. For instance, if a policy was held in a Deal Key unrelated to Seeman Holtz in 2010 but later appeared in a Seeman Holtz-related Deal Key in 2014, we would only seek the 2014 material. That said, has Wells Fargo identified which Deal Keys correspond to policies held for Seeman Holtz and the time periods during which those policies were held? Understanding those timeframes is essential to helping Plaintiffs determine which Deal Keys are relevant. Please let us know if Wells Fargo is willing to share that information with us.

Finally, please advise when we can expect production of the AMT, MLSF, and WFLAA Deal Keys.

### **ABS Custody Vault**

Thank you for the clarifications regarding ABS Custody Vault. Plaintiffs would appreciate additional information about the process by which a request was made to store documents in paper form. Specifically, if Wells Fargo contends that no such requests were made for the other 91 life settlement policies, we would like to understand what records or information Wells Fargo reviewed to make that determination. Given Wells Fargo's position, it would be helpful to know how it concluded that no request was made for those files to be retained in hard copy. Please let us know whether Wells Fargo is willing to share that information.

Additionally, please confirm when we can expect production of the 13 life settlement policy files currently in the ABS Custody Vault.

### **CTS Link Library**

It has been Plaintiffs' position throughout that CTS Link Library housed the critical documents associated with the life settlement policies, including the supporting data and transactional history. We have outlined those categories repeatedly and will not repeat them here. That said, it is difficult to understand how, if CTS Link Library still exists and contains retrievable information, that information would not be relevant, and why we have yet to receive anything from this source. Moreover, if Wells Fargo transferred the contents of CTS Link Library to Computershare and those documents were not deleted, why is it that Wells Fargo cannot access them—and why does it appear that Computershare may have no responsive data?

Plaintiffs need clarity on these points, which is precisely why a Rule 30(b)(6) deposition is necessary. Please advise when we can expect an update on: (1) what was stored in CTS Link Library and for which policies; (2) whether any data was deleted as to each policy, and if so, when; (3) what information remains accessible to Wells Fargo; and (4) what Computershare possesses and when it will be produced.

### **CCT Gateway**

Thank you for the update regarding the archived SQL data for CCT Gateway. Plaintiffs still lack a clear understanding of what was housed on this system, as Wells Fargo has neither produced documents from it nor provided a meaningful explanation of its contents—instead directing us to review what has not yet been produced. Please let us know when production of the CCT Gateway documents can be expected so Plaintiffs can evaluate the data and engage in informed discussions about this system.

### **Duty to Preserve/Deleted Documents**

We appreciate that Wells Fargo understands Plaintiffs' positions, just as we understand Wells Fargo's. Ultimately, these disputes—particularly concerning when the duty to preserve attached—are not for the

Parties to resolve, but for the Court should that be necessary. We respectfully disagree with Wells Fargo's position on both timing and scope. But as we have noted repeatedly, it is critical that we understand what existed and when it was no longer available, and then we can fight over Wells Fargo's obligations if appropriate. Respectfully, counsel seems unable to answer that question. With the clock running down, we can wait no longer.

As to the question of deletion, Plaintiffs also disagree. If Wells Fargo had preserved digital copies of CTS Link Library and CCT Gateway, it would be able to produce them directly. That it cannot—and instead must rely on Computershare, which may not have complete records—undermines the claim that these documents were merely “transferred” and not deleted. The distinction between deletion and transfer is academic if neither party can produce the records.

For that reason, and to resolve these lingering questions, a 30(b)(6) deposition of Wells Fargo's records custodian is necessary. We believe it will provide the clarity that has yet to be offered.

Regards,

Brett

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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett:

We were disappointed to receive your email, including tone, as we thought we were making good progress towards updating you where we stood on collecting, reviewing and producing documents. As we mentioned on the call, we have been talking past each other in some of the lengthy emails, and it appears portions of that are still ongoing. With that said, we will continue to cooperatively work with

Plaintiffs to gather and produce relevant documents while minimizing the burden and keeping an eye towards proportionality.

#### FileNet Documents

As discussed on the call, we have produced documents out of FileNet for the three Deal Keys associated with the Centurion relationship. It is also understandable that these documents don't date before 2014 as these particular deals did not predate 2014. You seemed to acknowledge that on our call. However, a policy could have traveled through multiple Deal Keys over the course of its life. We have identified 36 other Deal Keys that the policies identified in Plaintiffs' discovery requests traveled through over their life, and we anticipate that documents related to those policies will therefore be housed in these other Deal Keys in FileNet and in emails yet to be produced.

Some of these Deal Keys in FileNet contain substantial volumes of documents (one file had upwards of 30,000 MB of data in it) because they involve policies and information unrelated to this litigation. As such and because of the high anticipated cost, we proposed on the call pulling a couple of additional Deal Keys worth of documents from FileNet so we can hopefully narrow down the additional work to be done in FileNet. I went back and looked at the numbers of policies in various deals versus volumes, and I would propose we pull documents for the AMT Deal Key (which appears to be primarily after Centurion) and MLSF (which appears to be more historic). We are already working on pulling that information over and having it reviewed.

As discussed, we are also working to confirm when information would be added to a particular Deal Key in FileNet. Our current understanding is that files are saved there when employees elect to save them and therefore, it may not contain every document that Plaintiffs are hoping it contains. With that said, we are not currently aware that any documents have been removed/deleted from FileNet. Further, there are in fact copies of certain policies in the FileNet documents already produced, some of which predate 2014 significantly. *See, e.g.,* WF\_Mill\_00359613-00359646 (Joann and Bernard Kahan policy and policy related documents dating from 1994).

#### ABS Custody Vault

Your summary of ABS Custody Vault is largely right, and we are working with Computershare to have these documents scanned for review for the 13. The one correction is this is not a system or computer repository. It is hard copy documents that Wells Fargo was asked to hold until released. So unless that request to maintain a hard copy file was made, Wells Fargo would never have had the paper files. Your description below is therefore inaccurate to say Wells Fargo had this for all the policies. The 10 files currently in custody vault (as they are hard copy files) but were released as they are original files that were being maintained at the request of a party to a particular policy. On the other 91, we are not aware of Wells Fargo or Computershare ever having those files as we understand files were only held in custody at the request of a party to a particular policy.

#### CTS Link Library

As mentioned on the call, we understand that CTS Link Direct, which you previously asked about, is separate and distinct from CTS Link Library. With that said, we have been working with Computershare to gain access to CTS Link Library to determine the best way to extract relevant information, if any. We are also continuing to work with Wells Fargo to determine if anyone is aware of any archival data or documents saved from this system. We are not currently aware that any documents were deleted from this system, but our understanding is instead that the documents were transferred.

#### CCT Gateway

As discussed on the call, this information was transferred to Computershare. However, before and since the call, Wells Fargo has continued its efforts to locate data from Wells Fargo's side as well. This week, we were able to locate an archival copy of the SQL data underlying the CTS Gateway. We understand it may take several weeks to pull out of archive, and we are working with Wells Fargo and Computershare to confirm how the underlying data can be queried. In the meantime, we are still working with Computershare to collect data.

### Deleted Documents

We believe much of this was addressed above. As we talked about on Friday, Wells Fargo, in conjunction with Computershare as appropriate, is engaged in ongoing efforts to produce documents. For example, as a part of that effort, we have located an archival set of data for CTS Gateway. And, as noted above, ABS Custody Vault are paper files, so they were transferred but not deleted.

Consistent with our call, we believe that this discussion is premature. We are still working to produce documents, and we are hopeful that these will address the majority of Plaintiffs' concerns. **But let us be clear since this point seems to have been lost** - at this point, we are not aware of the deletion of any securities intermediary/trust related documents. Instead, and at most, we are aware that documents or data was transferred but should still be in existence.

### Duty to Preserve Documents

Consistent with our prior communications, we have a fundamental disagreement on at what point Wells Fargo had an obligation to preserve documents. As noted before, we think *Point Blank Sols., Inc. v. Toyobo Am., Inc.*, No. 09-61166-CIV, 2011 U.S. Dist. LEXIS 42239 (S.D. Fla. Apr. 5, 2011) is instructive here. As Judge Goodman noted there: "a subpoena issued by the government do not necessarily mean that Toyobo should have at that time anticipated litigation with Point Blank or that Point Blank can take advantage of an evidence-preservation duty owed by Toyobo to Second Chance or different government agencies." Consistent with the same, we do not believe that any OFR subpoena put Wells Fargo on notice of litigation from Plaintiffs here. We won't go further into legal argument, but disagree with your assertions.

Similarly, we do not believe that general awareness of a lawsuit filed by Plaintiffs against others to which Wells Fargo was specifically not made a party are sufficient to trigger specific hold obligations. That Wells Fargo left the relationship doesn't mean Wells Fargo anticipated litigation. This argument is a remarkable stretch and is unsupported in the law.

Moreover, and as noted above, it is unclear what relevant documents and data crucial to Plaintiffs' case here were deleted. Wells Fargo is still working to produce documents, and arguments surrounding potential deletion are inaccurate.

### Path Forward

As you do, we want to continue to work in a professional manner through discovery items. Also, like you, we have a duty to zealously advocate and protect our clients, particularly while being accused of intentionally destroying documents which in our view is without a basis.

As noted, we are continuing to work through production from both Computershare and Wells Fargo. In some instances, those documents or information are potentially duplicative (such as FileNet). Based on this, we have not separately produced documents from FileNet from Computershare and Wells Fargo as those efforts documents would be duplicative. Consistent with our discussions earlier in this case, because many of Computershare's documents originated with Wells Fargo, we are working to collect from both.

At this point, we believe a 30(b)(6) deposition would be a waste of time and is not appropriate or warranted under the rules or applicable case law, as there is no evidence that any relevant information was not retained. Wells Fargo has been consistently working with you on significant negotiations on custodians and search terms that only recently concluded and to track down information from a number of systems in response to hundreds of discovery requests. Because much of this information is historic and Wells Fargo no longer holds the corporate trust line of business, tracking down information has been in some instances very difficult because those with potential knowledge of the location of documents or archived documents are no longer with Wells Fargo. However, Wells Fargo continues to engage in a diligent search, review and production.

Thank you,  
Emily Rottmann

**Emily Y. Rottmann**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL: use caution with links and attachments\*\***

Hi Jarrod and Emily,

Thank you for taking the time to meet and confer with us on Friday. Below is a summary of our discussion and the points of agreement. If anything is inaccurate or requires clarification, please let us know. Plaintiffs also responded to Wells Fargo's spoliation email below.

**Deal Key/File Net Documents**

Wells Fargo has acknowledged that it identified 36 deal keys (also known as FileNet) that may contain relevant information regarding the life settlement policies that were part of the Seeman Holtz Scheme. To date, it has produced documents associated with three of those deal keys: Centurion, CenturionDZ, and CenturionSPVII. On Friday's call, Wells Fargo also indicated that documents tied to the WFLAA deal key will be produced. Please let us know when we can expect that production.

Wells Fargo explained that deal keys are organized by transactions involving life settlement policies. As a result, a single policy may appear across multiple deal keys even if Wells Fargo was not acting as Securities Intermediary for that policy on behalf of Seeman Holtz, but for another entity. Or a policy may not appear in a Seeman Holtz-related deal key but does appear in another deal key even if it was not part of a Seeman Holtz-related deal. Wells Fargo stated it is in the process of identifying which deal

keys contain information from the period when it served as Securities Intermediary for Seeman Holtz policies to try and locate those other deal keys that contain policies linked to Seeman Holtz (even if the deals themselves are not Seeman Holtz deals) and will provide that information to Plaintiffs once that review is complete, including identifying any additional deal keys from which documents will be produced.

Plaintiffs also asked whether deal keys include only policies involved in transactions between Seeman Holtz and third parties, or whether they also capture policies that were never part of a transaction—for example, policies Seeman Holtz brought to Wells Fargo solely for its role as Securities Intermediary. Plaintiffs’ concern is to understand whether deal key documents will reflect *all* Seeman Holtz policies for which Wells Fargo served as Securities Intermediary, or only a subset limited to those involved in recorded transactions. Accordingly, Wells Fargo will not have a deal key containing all of the policies held by Seeman Holtz entities at Wells Fargo if there was no transaction, or deal, involving those policies, and thus will only be able to produce from the deal keys policy-related documents if they were involved in a transaction. In other words, FileNet will not contain a complete set of policies and related documents held by Seeman Holtz entities at Wells Fargo. Wells Fargo agreed to investigate and confirm this.

Finally, Plaintiffs reiterated their concerns regarding the current productions from the three deal keys. Specifically, the FileNet/deal key documents: (1) do not include complete policy files for the DZ/Teleios Centurion life settlement policies, as maintained by Wells Fargo; (2) omit all other Centurion policies for which Wells Fargo served as trustee or Securities Intermediary but that were not part of the DZ/Teleios transactions; (3) contain no documents predating 2014, including those relating to Wells Fargo’s ILIT trustee work; and (4) lack foundational materials such as trust documents, full policy files, applications, agreements, loan documents, and other key records.

### **ABS Custody Vault**

Wells Fargo stated that it no longer retains documents from the ABS Custody Vault, as those files are now held by ComputerShare. The ABS Custody Vault housed the physical files for the life settlement policies for which Wells Fargo served as Securities Intermediary and/or ILIT trustee for Seeman Holtz. Of the 114 life settlement policies that Wells Fargo served as Securities Intermediary and/or Trustee for Seeman Holtz, ComputerShare has files for only 13. Wells Fargo also disclosed that ComputerShare previously maintained files for 10 additional life settlement policies, but those were deleted on the dates outlined in Wells Fargo’s May 20, 2025 email. Wells Fargo will collect and produce the documents for the 13 policies still held by ComputerShare. Please let us know when we can expect that production. And please let us know what happened to the other 91 files that are not among the remaining 13 or the deleted 10.

### **CTSLink Direct and CTS Libraries**

Wells Fargo has repeatedly stated that “CTS Link Direct is not a document repository, but rather a file transfer system that automatically deleted files shortly after transfer.” However, during Friday’s meet and confer, Wells Fargo clarified that while CTS Link Direct operated like Dropbox, the broader CTS Link system included libraries that stored information related to life settlement policies. Despite this clarification, Wells Fargo was unable to describe the specific information stored in those libraries during the call. Plaintiffs have requested that information and await Wells Fargo’s response.

Plaintiffs’ position remains that regardless of the nomenclature, the CTS Link system contained document libraries that stored relevant and critical records related to the Seeman Holtz life settlement policies. Internal communications confirm as much. For example, in Stermer00004163059, a Wells Fargo employee wrote: “We have CTSLink Library... Below is a list of the users who have access to the library.” In Stermer0004295562, a Wells Fargo employee stated: “Just checking in to make sure all carrier correspondence for the following Centurion assets are being directed to the correct CTS library.”

Similarly, in Stermer0002676568, Wells Fargo employees confirmed receipt of signed execution copies, noting: “Change Package – Signed forms faxed to carrier and copy uploaded to CTS Link. Exhibits and EA – Signed forms uploaded to CTS Link.”

Based on these and other documents, Plaintiffs believe that the CTS Link libraries contained structured sections for each life settlement policy, covering information such as overviews, escrow deliverables, service-level requirements, correspondence, trust accounts and disbursements, grace and lapse notices, reporting, fundings and acquisitions, death benefits, custody of files, reference material, and document histories (see WF\_Mill\_00368582). More specifically, Plaintiffs understand that these libraries included, at a minimum, the following for each life settlement policy contained in or across the categories previously mentioned: (1) a copy of the policy, including all exhibits, schedules, riders, and annexes; (2) the application; (3) premium financing agreements; (4) cooperation agreements; (5) policy relinquishment agreements; (6) loan satisfaction agreements; (7) purchase and sale agreements; (8) beneficiary’s consent to transfer the policy; (9) waiver of interest and release of claims; (10) acknowledgment of the insured; (11) designated contact form; (12) insured’s authorization to release medical records and special durable power of attorney; (13) consent of owner’s spouse; (14) copy of insured’s government identification; (15) copy of the entity’s organizational documents; (16) trust agreements; (17) declaration of trust; (18) articles or certificates of incorporation and by-laws; (19) partnership agreement; (20) limited liability agreement; (21) collateral assignment; (22) escrow agreement; and (23) benefit payment instructions. As we discussed during our call, these documents are critical to Plaintiffs case in establishing Wells Fargo’s knowledge. Plaintiffs request that Wells Fargo inform Plaintiffs if its understanding of these files is incorrect. And if incorrect, what was stored in these files.

During Friday’s call, Wells Fargo confirmed that it no longer has access to the CTS Link libraries on its own systems. However, Wells Fargo acknowledged that ComputerShare does have access and will produce the libraries for the Seeman Holtz life settlement policies, to the extent ComputerShare has them. Please confirm when Plaintiffs can expect that production, and for which of the 114 policies ComputerShare has CTS Link libraries. For those policies for which a CTS Link library no longer exists, please tell us on what date each such library was deleted.

### **CCT Gateway**

Plaintiffs requested a complete description of what CCT Gateway consisted of. Wells Fargo responded that the system would be easier to understand once the related documents were produced. Wells Fargo confirmed it no longer retains CCT Gateway on its systems, but that it was transferred to ComputerShare. The parties will confer further once Wells Fargo produces the documents from ComputerShare’s systems and Plaintiffs have had an opportunity to review them.

### **Response to Wells Fargo’s Spoliation Arguments**

Contrary to Wells Fargo’s baseless accusation, Plaintiffs’ spoliation claims are grounded in Wells Fargo’s own admissions that it deleted entire categories of documents from its systems—including, but not limited to, CTS Link, ABS Custody Vault, and CCT Gateway—and in the significant gaps throughout its production, as detailed below. What is most telling in Wells Fargo’s response is its failure to rebut Plaintiffs’ claims with actual facts. It disputes Plaintiffs’ characterization of the files and its own documents but never explains how the life settlement policy files were maintained. Wells Fargo criticizes Plaintiffs for using “buzzwords,” yet it relies on euphemisms like “rolled off” and “sunsetted” in describing its actions with regard to the documents, which plainly mean deleted—though Wells Fargo refuses to acknowledge as much. Wells Fargo demands that Plaintiffs identify what documents were destroyed, ignoring that Plaintiffs have done so repeatedly in the emails below. To suggest otherwise is simply inaccurate. And more fundamentally, Wells Fargo, as the custodian of these documents, has the obligation to identify what it deleted. Wells Fargo knows what it destroyed and should tell

Plaintiffs. The alternative is a 30(b)(6) document custodian deposition, which Wells Fargo refuses to provide. Plaintiffs will respond to Wells Fargo's remaining points below.

### 1. Deleted Documents

Wells Fargo has admitted that it "sunsetted," "rolled off," or otherwise deleted documents stored on CTS Link, ABS Custody Vault, and CCT Gateway. Despite Plaintiffs' repeated requests for basic information—namely, when these systems were deleted and what was stored on them—Wells Fargo has refused to provide clear answers, choosing instead to deflect and level unfounded accusations against Plaintiffs.

At a minimum, Wells Fargo's own documents confirm that CTS Link and ABS Custody Vault contained the digital and paper files, respectively, for the life settlement policies that are at the center of the Scheme here. As noted above, Plaintiffs believe these files included structured sections for each policy, covering overviews, escrow deliverables, service-level requirements, correspondence, trust accounts and disbursements, grace and lapse notices, reporting, fundings and acquisitions, death benefits, custody of files, reference materials, and document histories (see WF\_Mill\_00368582). And, more specifically, Plaintiffs understand that these files included, at a minimum, the following types of documents for each life settlement policy spread across those categories: (1) a copy of the policy, including all exhibits, schedules, riders, and annexes; (2) the application; (3) premium financing agreements; (4) cooperation agreements; (5) policy relinquishment agreements; (6) loan satisfaction agreements; (7) purchase and sale agreements; (8) beneficiary's consent to transfer the policy; (9) waiver of interest and release of claims; (10) acknowledgment of the insured; (11) designated contact form; (12) insured's authorization to release medical records and special durable power of attorney; (13) consent of owner's spouse; (14) copy of insured's government identification; (15) copy of the entity's organizational documents; (16) trust agreements; (17) declaration of trust; (18) articles or certificates of incorporation and by-laws; (19) partnership agreement; (20) limited liability agreement; (21) collateral assignment; (22) escrow agreement; and (23) benefit payment instructions.

Wells Fargo has not produced a single complete policy file for any of the 114 life settlement policies for which it served as Securities Intermediary or ILIT trustee. Plaintiffs have explained that these files are central to their case—they demonstrate what Wells Fargo knew about the Scheme, and when it knew it. If Wells Fargo has produced the complete files for the life settlement policies from its own documents, please identify where they can be found.

Wells Fargo's production also has significant gaps. Wells Fargo has produced no bank account statements for any Seeman Holtz accounts prior to December 2016 and has previously stated it no longer possesses such records. Similarly, its Financial Crimes Investigation ("FCI") files contain no documents predating 2016, even though Plaintiffs are aware of pre-2016 suspicious activity that would have triggered internal reviews consistent with the post-2016 alerts in the FCI files. If Wells Fargo searched its FCI data from 2009 through 2016 and found nothing responsive, please confirm that. In any event, this absence of records from the 2009–2016 period appears consistent across Wells Fargo's systems.

Wells Fargo's email production reflects the same pattern: very few emails predate 2016, and virtually none predate 2014—despite this being the critical time period when Wells Fargo acted as trustee for the ILITs. Plaintiffs' review is ongoing, but the pattern of missing documents from the most relevant period appears widespread across almost all categories. If Plaintiff is incorrect about the email production, please let us know. But again, while we understand that Wells Fargo believes it appropriately deleted certain files, that is a separate issue. The first order of business is to identify what no longer exists among the files Plaintiffs requested and Wells Fargo agreed to produce. Then we can discuss the propriety and impact of Wells Fargo's decisions.

Having made every effort to identify what has been lost, Plaintiffs now request, that in addition to answering the above questions, that Wells Fargo: (1) confirm when CTS Link, ABS Custody Vault, and CCT Gateway were deleted; (2) identify what documents were stored on each system; and (3) disclose what other Seeman Holtz-related documents were deleted from its systems in connection with the business transfer to ComputerShare. If Wells Fargo is unwilling to do so, please provide us with deposition dates for an appropriately-prepared 30(b)(6) document custodian so that we can get answers to these questions.

## *2. Wells Fargo Deleted Documents After the Duty to Preserve Attached*

Wells Fargo mischaracterizes Plaintiffs' prior statements regarding the Florida Office of Financial Regulation ("OFR"), so let us be clear. In October 2016, Wells Fargo received a criminal subpoena from the OFR. At that point, Wells Fargo was on notice that litigation involving Seeman Holtz was imminent and that it had an obligation to preserve data related to those accounts and its business relationship with it. Given standard banking regulations, Wells Fargo should have maintained at least seven years of relevant data—reaching back to 2009 or the inception of the Seeman Holtz Scheme. Because the OFR's criminal investigation remains ongoing, it was and remains reasonable to expect that Wells Fargo preserved all related documents through the date of the business's sale to ComputerShare.

In June 2021, Wells Fargo's own FCI files reflect that it became aware of the Millstein class action litigation filed against Seeman Holtz and determined that it should terminate its relationship with Seeman Holtz as a result of that litigation. At that point, Wells Fargo not only knew of Seeman Holtz's legal exposure but also could reasonably foresee litigation involving the Plaintiffs and the Class. Its decision to exit the relationship with Seeman Holtz was made in direct response to that litigation, requiring it to preserve all Seeman Holtz related documents and data.

Accordingly, and based on the 2016 OFR subpoena, Wells Fargo should have maintained all relevant files from 2009 through at least 2021, when its awareness of this litigation began. Although Wells Fargo now claims it deleted these files when it sold the business to ComputerShare, that sale did not close until November 2021—six months after Wells Fargo exited its relationship with Seeman Holtz in response to the Millstein class action litigation. Moreover, Wells Fargo's own records show that employees were still accessing CTS Link libraries as late as March 2022—more than nine months after its relationship ended with Seeman Holtz. So, by Wells Fargo's own timeline, the relevant systems were not deleted until either six months after it ended the Seeman Holtz relationship (based on the sale of its CTS business to ComputerShare) or more than nine months later (based on continued system access).

Either way, it appears Wells Fargo deleted documents related to the Seeman Holtz accounts that should have been preserved—spanning from 2009 through the date of deletion.

## *3. Spoliation Path Forward*

We were disappointed not only by the tone of Wells Fargo's email, but also by the lectures certain counsel chose to direct at Plaintiffs' counsel regarding document retention issues. At no point has Plaintiffs' counsel made this personal. We have consistently focused on Wells Fargo's conduct—not on opposing counsel—and have gone to great lengths to keep the discussion professional. Despite our differences, we believe we have worked cooperatively with you throughout this case. That said, neither side will resolve this issue on its own. If necessary, the Court will decide. Both parties have a duty to advocate zealously for their clients, and we respect that and it is why Plaintiffs have been forthright in identifying documents and outlining our concerns—not to be adversarial, but to resolve discovery issues constructively.

We have come to Wells Fargo with specific, good-faith questions about the deletion of its data. We offered to proceed by 30(b)(6) deposition if that would be more efficient, but Wells Fargo objected. In Friday's meet and confer, rather than seeking the intercession of the Court on Wells Fargo's objection to

taking a 30(b)(6) deposition, we agreed to wait and see what Wells Fargo could produce from ComputerShare's records. We understand you disagree that Wells Fargo had an obligation to preserve those and other documents. Again, once we have a complete inventory of what was deleted, we can confer and determine whether we still disagree. What is clear is that Wells Fargo has known about the transfer of documents to ComputerShare since the outset of this litigation, and its lawyers represent ComputerShare with regard to Plaintiffs' subpoena for documents, and yet we have received only 105 documents from ComputerShare despite the fact that discovery began almost a year ago. We need to move this forward.

Our goal remains the same: to work collaboratively to determine what documents have been deleted, what documents still exist, and when the deletion occurred. To that end, we ask that Wells Fargo clarify its position on: (1) whether it will answer the questions we've posed and by when; (2) whether it is now willing to proceed with a 30(b)(6) deposition on discovery; and (3) when we can expect the production of the CCT Gateway, CTS Link, and ABS Custody Vault documents.

We've been working on issues related to Wells Fargo's production for more than six months. We now need to advise the Court on what remains outstanding and propose a realistic schedule for completing discovery. If Wells Fargo does not intend to provide Plaintiffs' with the document retention information and details about what was deleted and when, please let us know so we can proceed with the appropriate motions practice and bring these issues before the Court.

Many thanks.

Regards,

Brett

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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Sent:** Tuesday, May 20, 2025 4:12 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Wells Fargo's response (including prior responses) not only meaningfully addressed your questions, but directly answered them. We have also offered to get on a call to discuss. But once again, we will respond and provide responses to your concerns and accusations below. Please provide times your team is available on Thursday afternoon or Friday morning for a call.

### **Level Setting On Spoliation Accusations**

Understand, Plaintiffs have broadly accused Wells Fargo of spoliation. Wells Fargo disagrees with any such assertion. As an initial matter, Wells Fargo retains (and has produced for certain deal keys) documents from FileNet which is addressed further below. Moreover, as articulated in *Toyobo*, spoliation means that a party purposely "tamper[s] with the evidence" and engaged in bad faith. The amendments to Rule 37(e) directly govern the issue as well. Hence the strong reaction and response to your email. With these accusations, therefore, we have refuted your broad and non-specific statements, and your response below does little to articulate Plaintiffs position. So, we specifically ask that if you continue to take the position that documents were destroyed that Plaintiffs articulate their precise position.

For example, in your initial email, you stated that the preservation obligation was triggered when the OFR issued subpoenas to Wells seeking documents related to Seeman Holtz. You have changed that position in your most recent response and are now claiming, "Wells Fargo documents show the relevant data was destroyed only after Wells Fargo exited the Seeman Holtz relationship in response to the first Millstein lawsuit involving the Scheme and while a criminal investigation was active. The timing of that destruction is significant, and Wells Fargo must explain what data was housed on which systems and when it was deleted so that we can assess the impact of what was destroyed." This is a new position, stated in conclusory fashion and without any explanation.

This is a very serious accusation. As such, please provide what documents show Wells Fargo destroyed relevant data in response to the first Millstein lawsuit and while a criminal investigation was active triggering any type of obligations on Wells Fargo. As you are aware, *Toyobo* provides guidance on this very issue. So, the questions we posed below remain: What specific documents do you believe were intentionally destroyed or that Wells Fargo was under an obligation to preserve but did not?

You haven't stated that clearly, as you must, and asking for a deposition on "spoliation" seems like a quintessential fishing expedition untethered from any issues in this case and discovery on discovery. As you know, the first Millstein case was dismissed over a year prior to the filing of this action. Given that your firm (among others) was involved in both cases, you should be able to specifically articulate your position (and why preservation by Wells Fargo – which was not a party to that first action – would even have been triggered, under the standard articulated in *Toyobo* and Rule 37(e)). And, what documents weren't preserved that you claim should have been. As a result, we remain perplexed at Plaintiffs' position and what, specifically, you claim was not retained after Wells Fargo reasonably anticipated litigation being brought by the Millstein plaintiffs against Wells Fargo. Nor do we have any understanding of the purported prejudice given the immense amount of documents produced to date along with further substantial productions upcoming.

### **What Documents, Specifically, Do You Claim Were Destroyed While Wells Fargo Was Under a Duty To Preserve**

You have not identified what documents Plaintiffs claim were the subject of Wells Fargo's alleged tampering with evidence while under a duty to preserve. As a result, our emails seem to have lost the thread of being concrete and specific. Our effort in response (along with proposing a call) is to tie your accusations to actual documents you claim have not been (or will not be) produced. That is a fundamental predicate to the issues we are discussing.

As Wells Fargo has repeatedly told you, sunsetted means the information was *transferred* to CPU. After doing so, Wells Fargo does not possess a copy that has been located after a reasonable search. This is what the rules require, and Wells Fargo has met its discovery obligations. Perhaps more importantly, CPU has produced or is in the process of producing responsive documents in its possession. In fact, Wells Fargo has produced more than 425,000 pages of documents, and that is with a limited email production included thus far. We expect substantial additional email productions are forthcoming, in addition to other documents including as noted in this email. This doesn't include the 4 million pages the receiver has produced and forthcoming productions from CPU which likely includes much (if not all) of the information needed to litigate this case. There is also substantial third-party discovery.

Moreover, with respect to the ILIT issues, there is simply no inconsistency. Wells Fargo is identifying that information through the documents produced by the Receiver. Plaintiffs have the same access and can make the same evaluation. And, other than providing the names and settlor information, Plaintiffs have not linked these policies to the scheme or indicated how a generalized (albeit wrong) position that Wells Fargo was a trustee to an ILIT holding a life insurance policy creates a fiduciary duty relevant here. We understand that Plaintiffs want to use buzzwords to make their case. But, facts and allegations matter, and the Complaint and discovery responses lack any information related to these issues beyond the Walters, Yakavokis and Cohen policies. Nonetheless, Wells Fargo has agreed to add the names to its search of the ABS email inbox and produce responsive documents related to those policies to the extent located after a reasonable and diligent investigation. We can leave the fight about facts and law to another time.

#### **Plaintiffs' Position on What Files Should Look Like**

You continue to take the position of what a life settlement policy is based on Wells Fargo's internal records. Yet, that document, MILL\_00368582, does not say what you claim it says. More importantly, Wells Fargo and/or Computershare has produced and is continuing to produce documents from the very systems that are identified in the document, including CTS Gateway (now called CCT Gateway) that contains the Deal/Series and LIAP modules. Wells Fargo has produced documents from FileNet, and it is working with Computershare to scan and produce documents from the ABS Custody Vault.

As for specific systems:

1. **FileNet.** Wells Fargo still retains FileNet data. As mentioned, we have identified other deal keys that the identified policies have moved through, and the information from CCT Gateway will include more details tying various policies to individual deal keys. It looks like only the Centurion, CenturionDZ, and CenturionSPVII keys were associated with the Centurion Insurance Services Group, LLC Relationship, indicating that the policies likely moved through these other deal keys before and after any involvement of Centurion. With that said, attached is the list of deal keys.
2. **ABS Custody Vault.** For clarity, ABS Custody Vault is a vault where paper documents are maintained at the request of the customers.
  1. We show that we have files for the following policies, and Computershare is working on having the paper files scanned for production:
    1. Glueck
    2. Grossman
    3. Joyner
    4. Kahan
    5. Kang
    6. Mason
    7. McDougal (-3952)

8. McMonagle
  9. Moatz
  10. Rothenberg
  11. Rothstein
  12. Schlom
  13. Weiner
2. The following files were maintained at one point, but released on the dates identified:
    1. Branscome (2/20/2014)
    2. Culbertson (8/15/2014)
    3. Curtis (1/4/2021)
    4. Donahue (8/15/2014)
    5. Frandsen (8/15/2014)
    6. Green (7/18/2014)
    7. Krinetz (7/25/2012)
    8. Laveck (7/25/2012)
    9. Mantell (7/25/2012)
    10. McDougal (-3922) (9/19/2023)
3. **CTS Link Direct.** As noted repeatedly, CTS Link Direct is not a document repository, but it is instead a file transfer system that automatically deletes shortly after files are transferred. We are not aware of a log of all documents ever transferred via this system, but we are further discussing with Computershare.
  4. **CCT Gateway.** We have confirmed these modules were transferred to Computershare as a part of the overall transfer. We are working with Computershare to gather information from these modules. Some of it can be exported such as via preset reports, and we may need to discuss the best way to address some of the remainder via screenshots that will be significantly more cumbersome to collect. We can discuss this further when we talk, hopefully on Thursday or Friday.

### **Actimize and Strand and Request 230**

Based on a search by ECNs and account numbers, we were not able to locate any alerts in either Actimize or Strand. We were able to locate some additional information consistent with the prior FCI files that we are processing for production after redaction of explicit references to SAR or no-SAR decisions. We continue to object to producing the algorithms/manuals for any of these systems, including as irrelevant and unduly burdensome.

**Request 230:** Wells Fargo stands by its objections as improper discovery on discovery in addition to the objections articulated in Wells Fargo's discovery responses.

Thank you,  
Emily Rottmann

### **Emily Y. Rottmann**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Friday, May 16, 2025 5:35 PM  
**To:** Shaw, Jarrod D. <[Jshaw@mcguirewoods.com](mailto:Jshaw@mcguirewoods.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>

Cc: Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Grisette, Jill Crawley <[JGrisette@mcguirewoods.com](mailto:JGrisette@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Heston, Nellie E. <[NHeston@mcguirewoods.com](mailto:NHeston@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL: use caution with links and attachments\*\***

Hi Jarrod,

Wells Fargo's email below does not meaningfully address Plaintiffs' core questions and continues a pattern of avoidance and selective disclosure. Plaintiffs are entitled to clear, substantive answers. Further, we take issue with Wells Fargo's suggestion that the issue of possible spoliation by Wells Fargo is simply an attempt by Plaintiffs to obtain a strategic advantage. We are concerned that Wells Fargo destroyed critical documents regarding its dealings with Seeman Holtz that will make it harder for Plaintiffs to prove their case. Plaintiffs are not seeking an advantage. Rather, Plaintiffs are simply trying to determine if Wells Fargo has placed Plaintiffs at a critical disadvantage.

If Wells Fargo prefers to address these matters through a Rule 30(b)(6) deposition concerning its systems and potential spoliation, please provide available dates within the next three weeks. While we do not believe a deposition should be necessary, if that is the only way to obtain straightforward answers, we will proceed accordingly. Otherwise, Wells Fargo needs to provide complete and accurate written responses to Plaintiffs questions no later than Tuesday, May 20.

Below are Plaintiffs' specific responses to the points raised by Wells Fargo's email below:

First, Wells Fargo still has not answered Plaintiffs' basic question: does "sunsetting" mean the data was deleted, or merely that the system was retired while the data remains stored elsewhere? Saying Wells Fargo is "unaware of any data" following a "reasonable search" is not an answer. Wells Fargo knows whether it deleted the "sunsetting" materials or whether it preserved it elsewhere. Wells Fargo needs to provide a direct and straightforward answer to Plaintiffs' question.

Second, Wells Fargo's position on Plaintiffs' identification of additional ILITs is internally inconsistent. On one hand, Wells Fargo claims a "lack of information" about the ILITs; on the other, it asserts the trusts Plaintiffs identified are irrelevant because they lacked a connection to Seeman Holtz. Wells Fargo cannot have it both ways—claiming ignorance while simultaneously disputing relevance. Moreover, Plaintiffs have provided the settlor names and policy numbers linking these ILITs to the Scheme. If Wells Fargo has evidence to the contrary, it should identify and produce it. Finally, the suggestion that the information is unavailable because Wells Fargo acted in a purely "administrative" trustee capacity is unsupported by Wells Fargo's own records. Wells Fargo documents show the relevant data was destroyed only after Wells Fargo exited the Seeman Holtz relationship in response to the first Millstein lawsuit involving the Scheme and while a criminal investigation was active. The timing of that destruction is significant, and Wells Fargo must explain what data was housed on which systems and when it was deleted so that we can assess the impact of what was destroyed.

Third, Plaintiffs understand that Wells Fargo seeks to recharacterize its role, but the fact remains: it acted as trustee. How Wells Fargo now wishes to frame that role does not relieve it of its discovery obligations, particularly with respect to the nature and scope of any spoliation.

Fourth, Plaintiffs' understanding of what constitutes a complete life settlement policy file is based on Wells Fargo's own internal documents, which Plaintiffs' counsel previously provided and identified to Wells Fargo. To suggest that this is merely Plaintiffs' counsel's opinion is inaccurate. Plaintiffs expect that the complete policy files—as they were maintained by Wells Fargo—will be produced. If not, Wells

Fargo needs to explain why they cannot be produced in the manner consistent with its own internal documentation on how they were stored.

Fifth, Wells Fargo's reference to *Toyobo* is misplaced. The facts here are materially different. Unlike in *Toyobo*, Wells Fargo possessed relevant data until at least March 2022 and then destroyed it only after ending its business relationship with Seeman Holtz because of the first Millstein lawsuit involving the Scheme and while a criminal investigation was, and remains, active with regard to Seeman Holtz. Those were not the facts in *Toyobo* but if Plaintiffs are incorrect, we invite Wells Fargo to correct the factual record so we can evaluate whether any remedial relief is appropriate.

**FileNet:** Plaintiffs previously requested the list of 36 additional deal keys before any meet and confer. Wells Fargo's email still does not provide that list. Please clarify whether Wells Fargo will provide the list in advance, as requested.

**ABS Custody Vault:** It remains unclear from Wells Fargo's answer whether it will disclose what files were deleted from this system and whether Wells Fargo retained any documentation regarding that destruction. Please confirm Wells Fargo's position on these issues.

**CTS Link Direct:** Wells Fargo continues to avoid answering basic questions: What documents were stored on this system? Are any still available? When were they deleted? Regardless of its function as a "file transfer system," documents were transmitted, saved, and accessed through it. Please provide a clear and complete response on these points.

**CCT Gateway:** Wells Fargo has not responded to Plaintiffs' prior questions. Please clarify what data was stored on this system, when it was deleted, and whether Wells Fargo will produce that information. Additionally, was the data transferred directly to ComputerShare? If so, has it been altered in any way since the transfer?

We need to move this process forward. Please clarify Wells Fargo's positions on the above so we can determine what we need to meet and confer on, what needs to be brought before the Court, and whether a 30(b)(6) deposition of Wells Fargo personnel is necessary.

Many thanks.

Regards,

Brett

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**From:** Shaw, Jarrod D. <JShaw@mcguirewoods.com>

**Sent:** Thursday, May 15, 2025 6:33 PM

**To:** Brett E Von Borke <vonborke@bucknermiles.com>; Rottmann, Emily Y.

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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

We write in response to the below and will take your points in turn.

First, when we say sunsetted we are unaware of any data existing after conducting a reasonable search and speaking with those likely to have knowledge. To the extent the data exists and we located it, we have disclosed that and produced the documents.

Second, contrary to your assertion, the lack of information related to the policies you identified is a function the time period. We believe you have identified this information from the Receiver's production, including, for example, a trust created as far back as 2006 where Wells served as an ILIT trustee for a life insurance trust that does not appear to have any connection to SH at its inception. If you have information to suggest otherwise, we request you produce it or update your interrogatory responses. It is of no surprise that Wells no longer has information related to that trust (or others) dating back nearly 20 years given the administrative role Wells served and the sale of several of those policies where Wells no longer appeared to have had a role. Moreover, for several of those trusts – at the time of inception – Seeman Holtz had no involvement or role. While Plaintiffs take the position that Wells has “superior knowledge” that is your opinion and allegations. Our position is that Wells lacked any knowledge about the scheme. But, that is a fight for another time. Wells Fargo had an entire corporate trust business, and you have not provided any specifics regarding the named insureds you listed below. Here, as noted and repeatedly conveyed, Wells has produced and continues to produce documents that are reasonably located. If you want to add those insureds as search terms we are certainly agreeable to doing so.

Third, your recitation of Wells Fargo's role and legal obligations is entirely inaccurate. Wells did not act in a fiduciary capacity in connection with the claims in this case and your characterization of Wells' role is explicitly contradicted by the documents. Again, arguing about legal theories does not advance the parties' goal of working through discovery. The below is the first time you have identified additional policies where you believe Wells served as a Trustee for a life insurance policy that is at issue in this case. Notably, some of those roles fall outside the agreed upon time frame. As noted above, that information appears to be reflected from the documents recently produced by the receiver. We will continue to run to ground whether Wells is in possession of any responsive documents and will produce the same if they exist.

Fourth, we appreciate your view of what a “complete life settlement policy file, as maintained by Wells Fargo” should look like. That said, Wells has produced (or will be producing) documents in its possessions related to life settlement policies as they are kept within Wells Fargo. On the physical files, Wells (and now ComputerShare) maintain those files only if requested, and similarly release them upon request. We are working on compiling the information on which policies files were ever held, and when they were released, if they were released.

Fifth, your effort to argue spoliation is misplaced. Wells Fargo did not reasonably anticipate litigation when it received subpoenas from the OFR related to Seeman Holtz. Of course, it is common for plaintiffs to try and pursue spoliation based arguments to create pressure on Defendants, but Wells has fully complied with its preservation obligations and has and continues to make a substantial production in response to discovery. We suggest reviewing Judge Goodman's decision in *Point Blank Sols., Inc. v. Toyobo Am., Inc.*, No. 09-61166-CIV, 2011 U.S. Dist. LEXIS 42239 (S.D. Fla. Apr. 5, 2011) before you level spoliation accusations against Wells.

As for specific systems:

1. **FileNet.** On FileNet, as mentioned, we have identified other deal keys that the identified policies have moved through, and the information from CCT Gateway will include this information for you. As you will see, it looks like only the Centurion, CenturionDZ, and CenturionSPVII, were associated with the Centurion Insurance Services Group, LLC Relationship, indicating that the policies likely moved through these other deal keys before and after any involvement of Centurion. With that said, we are happy to confer on potential relevance.
2. **ABS Custody Vault.** As noted above, we will provide you information on which policies files were ever held, and when they were released, if they were released. For most of the policies, it looks like documents were not in fact held in ABS Custody Vault. Your additional proposed search terms for the email inbox make sense, and we will work on converting those to the search term format and adding them to the list to begin running. We will let you know if we run into any burden issues as we start running the search terms.
3. **CTS Link Direct.** As noted, CTS Link Direct is not a document repository, but it is instead a file transfer system that automatically deletes shortly after files are transferred. At this juncture, we are not aware of some log of all documents ever transferred via this system.
4. **CCT Gateway.** Brett, our understanding is that this system was transferred to ComputerShare as a part of the overall transfer, and it was simply renamed. As you will see from the information we will be producing, it is added to as for example, a policy changes the deal is it associated with.

We are glad to continue to discuss these issues and remain committed to completing our production.

Jarrold

**Jarrold D. Shaw**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Friday, May 9, 2025 4:33 PM

**To:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>

**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>

**Subject:** RE: Seeman Holz - Search Term Conferral

\*\*EXTERNAL EMAIL; use caution with links and attachments\*\*

Hi Emily,

Thank you for your response and the clarifications below.

First, we understand Wells Fargo sold its corporate trust business to ComputerShare in 2021 and that, as a result, certain systems were “sunsetting.” To ensure clarity, would you please confirm that “sunsetting” means the underlying data was deleted and is no longer accessible. If Wells Fargo is using the term differently—e.g., the systems were retired but the data remains available elsewhere—please explain as to each system so there is no misunderstanding on Plaintiffs’ side.

Second, we believe Wells Fargo’s characterization of its trustee role below is inaccurate. Contrary to the assertion that Wells Fargo only served as trustee for the Yakovakis, Cohen, and Walters policies, Plaintiffs have identified at least six additional insureds and nine additional trusts, including Dishman, Adler (three trusts), Bye, Kornowski, Rubens, and Zandstra. Given Wells Fargo’s superior knowledge of its systems and internal familiarity with how the Scheme operated, its inability to identify these relationships raises serious questions about the completeness and accuracy of the information provided by Wells Fargo—and, more critically, the scope of the underlying data loss.

Importantly, the 2009–2012 time period is central to this case. During that period, Wells Fargo acted in a fiduciary capacity, with heightened duties that gave it direct access to the mechanics of how policies were applied for, funded, and acquired; how loans were structured related to those policies; and how arrangements between the insureds and other involved entities were formalized. Whether Wells Fargo served as trustee for three, nine, or dozens of life settlement policies, its role—even in a single trust—would have provided it with critical insight into the structure and operation of the broader Scheme. To suggest that the number of trusts or the timeframe somehow limits the relevance of this evidence is misplaced.

Beyond that, we have not received a single complete life settlement policy file, as maintained by Wells Fargo, for its work as securities intermediary from 2012 through 2021. Were those files also maintained in the systems referenced below and subsequently deleted, or does Wells Fargo still possess complete files for the policies it serviced in that capacity? If Wells Fargo has those policy files, please produce them to us.

With respect to the sunsetting of these systems and the resulting deletion of data, it is our understanding that Wells Fargo was informed by the Florida Office of Financial Regulation (“OFR”) in October 2016 of an open investigation into Seeman Holtz and responded to numerous subpoenas over the intervening years. At that time, did Wells Fargo choose not to implement a litigation hold? Based on my prior conversations with OFR, that investigation remains open and active. It is therefore surprising to learn that these systems were sunsetting and the data deleted while an active regulatory investigation was ongoing. It is even more concerning to learn that, during this entire period, documents in CTS Link Direct were subject to automatic deletion after 25–30 days unless saved to FileNet or another system.

Given these issues, it is essential that we are working from a shared and accurate understanding of both the facts and the data that remain available. Plaintiffs request clarifications and complete answers to the above and below so we can assess the scope of this discovery issue fairly and efficiently.

#### **FileNet**

Thank you for the additional information regarding the deal keys in FileNet. After reviewing the three provided—Centurion, Centurion DZ, and Centurion SPVII—we did not locate anything resembling a complete file for any of the life settlement policies involved in those transactions.

As noted previously, the key issues with the FileNet production were: (1) it does not include complete policy files for the DZ/Teleios Centurion life settlement policies, stored or organized as Wells Fargo maintained them; (2) it omits all other Centurion policies for which Wells Fargo served as trustee or securities intermediary but that were not part of the DZ/Teleios transactions; (3) it contains no documents predating 2014, including those related to Wells Fargo's ILIT trustee work; and (4) it lacks foundational materials such as trust documents, full policies, applications, agreements, loan documents, and other related records.

We understand that FileNet relies on a dealkey-based structure and that the inclusion of documents was discretionary. That only underscores the importance of obtaining complete policy files from other systems—such as ABS Custody Vault, CTS Link Direct, or CTS Gateway—which may provide a more reliable and comprehensive record of Wells Fargo's role and knowledge.

We appreciate that Wells Fargo has identified approximately 36 additional deal keys and recognize that some may contain significant volumes of material, including archived zip files. To assess their relevance and completeness, we would like to schedule a time to meet and confer on this matter. In advance of that discussion, we request a list of the 36 deal keys so we can review and prepare accordingly.

#### **ABS Custody Vault**

Thank you for the update regarding the ABS Custody Vault. Would you please confirm what files were stored on this system, when the files were deleted from Wells Fargo's systems, and whether any internal records were maintained documenting the transfer or content of those files at the time of destruction?

We appreciate that you've contacted ComputerShare to determine whether the life settlement files remain intact. We look forward to hearing whether complete file sets still exist. To the extent ComputerShare does have complete file sets, please confirm whether any documents may have been added or removed by ComputerShare or any third-party after the transfer. This is critical—not simply for the contents of the files themselves, but for determining what documents Wells Fargo had in its possession, and when, which goes directly to the question of knowledge and notice.

We'll review the proposed search terms and follow up shortly. We're generally fine with the approach but want to compare it against the names and policy numbers we've identified before confirming.

#### **CTS Link Direct**

Thank you for the explanation regarding CTS Link Direct. Please confirm what files were stored on this system, whether those files are available, and identify what information was deleted as part of this system. Additionally, please confirm when the deletion occurred and provide any documentation related to the timing, scope, or process of that deletion.

#### **CTS Gateway (now known as CCT Gateway)**

Thank you also for the explanation regarding the status of CTS Gateway. Please clarify what data was stored on CTS Gateway and when it was deleted. Additionally, confirm the date of deletion and provide any documentation related to that process. Regarding the underlying data held by ComputerShare, was that data transferred directly from Wells Fargo, and has it been modified by Computershare in any way since the transfer?

We appreciate the information you've provided so far—it has helped clarify several issues. We also appreciate your efforts in identifying individuals with knowledge of the legacy systems. I think it would be helpful to continue conferring on this issue. Once you've had a chance to respond to the questions in this email, let's schedule a time to speak. That should make for a more focused and productive conversation.

Many thanks.

Regards,

Brett

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**From:** Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>  
**Sent:** Wednesday, May 7, 2025 3:40 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Grisett, Jill Crawley <[JGrisett@mcguirewoods.com](mailto:JGrisett@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Brett:

Please see below responses to your inquiries. As we've mentioned before and on our most recent call, Wells Fargo sold the corporate trust line of business in 2021. Because of that, many systems were sunsetted at Wells Fargo because they were no longer being used.

Moreover, we want to level set as to our understanding of the scope of Wells Fargo's involvement as trustee in any of the at issue policies. Specifically, our understanding is that Wells Fargo only served as trustee for the policies related to: James Yakovakis, Albert Cohen, and William Walters. As you know, Wells Fargo resigned from the trustee role in 2012. As such, we want to be mindful of the relevance here as we continue to run down potential loose ends on the trust side.

With that said, please see below updates on the status of collection and/or potential collection of various potential repositories of trust documents.

#### FileNet

Consistent with our prior discussions, we have produced responsive documents from three dealkeys from FileNet, one of the identified systems, and one which Wells Fargo still maintains. We have been advised that in FileNet, documents are maintained by dealkey, not by policy name. Moreover, we understand that FileNet is the system of record, but there was some discretion to add documents to it,

so we would not necessarily expect to see every document for every policy in FileNet. Those three dealkeys produced so far are: CENTURION, CENTURIONDZ, AND CENTURIONSPVII.

We have identified approximately 36 additional dealkeys that the identified policies traveled through at some point during their lifespan. Note that on some of these, they may have existed before or after the involvement of Centurion, but we have not yet been able to definitively rule that out. As indicated on our prior meet and confer discussions, some of the identified dealkeys have significant volume of files in them (in one instance more than 60,000 files in a single dealkey), and based on our experience thus far, at least some of those files are in fact zip files. We can provide you a list of dealkeys if that would be helpful, and we are happy to discuss an additional production from FileNet.

#### ABS Custody Vault

The vault itself was transferred to ComputerShare. We have asked ComputerShare to pull information for the policies to the extent they exist, and they are working through that process. My understanding is that these are physical files that a customer may request be maintained on its behalf. If the customer had previously asked that documents be released, the file is no longer maintained, but we have asked ComputerShare to provide a date that any release occurred. Otherwise, ComputerShare is working with a vendor to scan in the file for each individual policy, and I am working to get an ETA on that for you based on volume.

As I mentioned, we have also identified a shared email address, [abs.custody.vault@wellsfargo.com](mailto:abs.custody.vault@wellsfargo.com). Based on some emails that have been collected as a part of our current custodian pull, it appears that the attachments typically include policy names and numbers. As such, we would propose using a limited set of our search terms reflective of the policy names and numbers, attached. Let us know if you have any concerns with running search terms as suggested.

#### CTS Link Direct

This system is proving difficult to pin down as there may have been a few different items with similar names. For example, we understand that CTS Link Direct was a pass through system that would pull information from separate places and was a pass through. As with some of the other systems, Wells Fargo no longer maintained this system after 2021. We also understand that CTS Link Direct was used as a secure file transfer application where documents were automatically rolled off 25-30 days after transfer unless they were archived to somewhere like FileNet.

#### CTS Gateway (now known as CCT Gateway)

This platform was sunsetted when the trust line of business was sold, and we have not been able to locate the underlying raw data to the extent it is still available at this point at Wells Fargo. At least some of the information was transferred to ComputerShare, and I anticipate we will be able to produce raw data from this system as early as next week.

We appreciate your patience as we work through this iterative process. As you would likely expect when an entire line of business is transferred and spans over a decade, there are limited individuals still at Wells Fargo with knowledge of the underlying systems or where any legacy data may have been maintained to the extent it was not transferred.

Emily

**Emily Y. Rottmann**

Partner

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**Sent:** Thursday, May 1, 2025 7:04 PM

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**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Jarrod and Emily,

Plaintiffs have reviewed Wells Fargo's "deal key" production, which spans 2014–2021 and appears to cover only certain life settlement policies involved in the DZ Bank and Teleios transactions. These deal key documents appear to be communications pulled from some source and to the extent there are life settlement policy-related documents they are attachments to the emails that comprise this production. That is, the deal key documents are clearly not a complete set of the relevant documents that were in Wells Fargo's possession even with regard to the limited universe of policies that were part of the DZ Bank and Telios transactions, which are themselves only a subset of the policies (and related documents) at issue in this case. Nor are they stored in the manner that Wells Fargo kept them – which is by life settlement policy. Accordingly, the deal key production is incomplete in that: (1) it does not contain a complete policy file for any of the DZ/Telios-transactions' Centurion life settlement policies stored/organized the way Wells Fargo kept them; (2) omits all other Centurion life-settlement policies not part of the DZ/Telios transactions for which Wells Fargo served as trustee or securities intermediary; (3) contains no documents predating 2014, including Wells Fargo's ILIT trustee work; and (4) lacks foundational trust documents, full life-settlement policies, agreements, applications, and related materials.

As previously discussed during our conferences and memorialized below, Wells Fargo stored these policy-related documents by policy in the CTS Direct Library, ABS Custody Vault, and FileNet. It is therefore reasonable to assume that these sources will provide a more complete set of policy-related documents than the deal key files. We understand that Wells Fargo has located the "ABS Inbox" and will produce all relevant documents from it. Wells Fargo also agreed to produce the CTS Link Direct Library and ABS Custody Vault "to the extent they exist," although these systems may have been "rolled off" or "sunsetting." Wells Fargo also previously informed us that it has located FileNet and would produce all of the life settlement policies and policy related documents stored in it. Given the importance of these documents, we need clarity on what Wells Fargo has and when it will be produced. Please let us know by Wednesday, May 7 when we can expect production of these materials and complete information regarding the scope of documents that still exist and those that are no longer in Wells Fargo's possession. We first raised the issue of the life settlement policy files in December 2024, and the more than four months since is enough time for Wells Fargo to answer these questions and produce these documents.

Finally, during our review of the deal key documents we identified WF\_MILL\_00391886, an internal policy-filing record organized by life-settlement policy with processing comments. Please confirm that Wells Fargo will include these types of internal filing-system documents in its upcoming productions.

Many thanks.

Regards,

Brett

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**From:** Brett E Von Borke

**Sent:** Thursday, April 24, 2025 9:21 PM

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**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Jarrod and Emily,

Thank you for conferring with us yesterday. Below is a summary of our discussion:

### **Life Settlement Policies**

Plaintiffs noted that the deal key documents produced by Wells Fargo are not produced as a complete file for each of the life settlement policies that Wells Fargo served as Trustee over with respect to the ILITS or later as Securities Intermediary. Accordingly, Plaintiffs noted Wells Fargo's production lacks organization by individual life settlement policy, which we understand is the way Wells Fargo stored the policy-related documents. Specifically, policy-related documents that Wells Fargo would have received and retained such as trust instruments and related documents, correspondence, funding acquisitions, lapse notices, premium payments, beneficiary details, and death benefits are not grouped by policy.

Plaintiffs explained that Wells Fargo stored these files by policy in the CTS Direct Library, ABS Custody Vault, and FileNet, and Wells Fargo confirmed as much.

Wells Fargo indicated that it has located the “ABS Inbox” and is working on how to search that inbox and will present Plaintiffs with a proposed search method. Wells Fargo also agreed to produce the CTS Link Direct Library and ABS Custody Vault for the policies “to the extent they exist.” Wells Fargo believes that the CTS Link Direct Library and ABS Custody Vault may have been “rolled off” or “sunsetting” because these “business lines were rolled off” by Wells Fargo. Wells Fargo will provide the details regarding this and inform Plaintiffs whether the CTS Link Direct Library and ABS Custody Vault still exist or have been destroyed. Wells Fargo has also located FileNet and will produce all of the life settlement policies and policy-related documents stored in it.

Wells Fargo in its responses to producing the life settlement policy files and related documents used the term “reasonably available” in describing the documents it will produce. Wells Fargo agreed that to the extent it determines certain documents exist but will not produce them because they are not “reasonably available,” it will inform Plaintiffs counsel so the parties can confer on that issue and bring it before the Court, if necessary.

Plaintiffs inquired what the term LIAP means as used internally by Wells Fargo in referring to its document database systems and Wells Fargo agreed to provide clarification on this point.

### **AML/BSA Account Alerts and Related Documents**

Wells Fargo acknowledged it has produced only a portion of the documents concerning alerts generated through NICE Actimize and its successor AML platform which it identified as “Strand.” Wells Fargo agreed it will produce all monitoring alerts for the relevant accounts generated for the purpose of complying with Wells Fargo’s BSA/AML obligations and all supporting documents related to those alerts. Wells Fargo also confirmed it is not withholding any monitoring alerts and related documents on the basis of privilege other than the materials already reviewed by Judge Goodman *in camera*.

Wells Fargo explained that it will produce any and all monitoring alerts and related documents, including any analysts’ notes, reports, or work product for all Wells Fargo accounts covered by Plaintiffs’ RFPs. To be clear, such documents will be produced regardless of whether or not they contain “evaluative” information, and the only portions of those materials that may be redacted is that which contains information that would or would not disclose the existence of a SAR.

Wells Fargo also explained it will not be producing the underlying rules and algorithms for the monitoring alerts by NICE Actimize and any successor platform because Wells Fargo contends that these materials are irrelevant and highly confidential. Nor will Wells Fargo be producing the policies and procedures on what analysts do after an alert is generated. Plaintiffs disagree with Wells Fargo’s

position and reserve all rights to dispute these and any other objections asserted by Wells Fargo to producing documents concerning the underlying rules, algorithms, and policies and procedures. However, Plaintiffs believe that the best approach to determine if these materials are necessary is to review Wells Fargo's production of BSA/AML documents first to see if the intercession of the Court is necessary on this point. We will revisit this point after reviewing Wells Fargo's complete BSA/AML document production.

Finally, Plaintiffs informed you that we may be identifying additional ESI custodians after our review of Wells Fargo's supplemental production of BSA/AML documents.

### **Policies & Procedures & Timing of Productions**

Wells Fargo agreed that it will be producing the policies and procedures pre-and-post 2017 previously identified by Plaintiffs. And, Wells Fargo explained that it is working diligently on its production and will provide Plaintiffs with a schedule on when it will roll out its production shortly.

### **Custodians**

-

Wells Fargo identified 35 "key custodians," applying date restrictions to twelve based on their involvement with Seeman Holtz-related accounts. Wells Fargo has agreed to run the agreed search terms against these custodians and is in the process of reviewing documents for these custodians for production to Plaintiffs. Plaintiffs previously proposed 75 custodians but is willing to discuss a smaller number if we can confirm that a shorter list will cover the timeframes and relevant functions at Wells Fargo so that there are no gaps. To help us determine that, we ask that Wells Fargo answer the following questions regarding the 35 custodians:

1. What criteria were used to identify and designate "key custodians?"
2. What are the dates of employment for the 23 custodians whose production is not date restricted?
3. What department(s) did the custodians work?
4. Can you identify any relevant departments not represented among the current custodians?
5. Can you identify any gaps in custodian date coverage?

Please confirm Wells Fargo will address these questions.

Thank you again for your time. Let us know if any corrections or clarifications are needed to the above.

Brett

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Thursday, April 24, 2025 12:09 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
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**Subject:** Re: Seeman Holz - Search Term Conferral

Thank you Brett. Let's set them for June 11 and 12.

On Apr 24, 2025, at 11:51 AM, Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)> wrote:

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Jarrood,

I have confirmed that Ms. Millstein is also available during the week of June 9-12 and

can go back-to-back as requested. Please let us know their depo dates as soon as possible so we can hold them. Thanks.

Regards,

Brett

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**From:** Brett E Von Borke  
**Sent:** Wednesday, April 23, 2025 10:54 AM  
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**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Jarrod,

Wells Fargo previously requested deposition dates for the Plaintiffs in May or June. Mr. Kleinbart is available June 9–12. Please let me know which date works best for Wells Fargo, and we will hold it.

I am still working to confirm Ms. Millstein's availability and will provide an update as soon as possible.

Thank you.

Regards,

Brett

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---

**From:** Brett E Von Borke  
**Sent:** Tuesday, April 22, 2025 4:30 PM  
**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Jarrod,

Given the recent shift in your statements regarding the number of custodians, it is important that we clearly document this discussion to avoid further confusion.

At the beginning of this case, and again during initial custodian negotiations, we requested a comprehensive custodian list from Wells Fargo. Your response was that creating such a list would be unduly burdensome, involving "at least a thousand Wells Fargo employees" who handled the Seeman Holtz accounts. If I am incorrect on that point, please let me know the correct number of custodians. Despite our repeated explanations that a custodian list would streamline discovery, Wells Fargo has never provided one. If this is also incorrect, please indicate when Wells Fargo provided us a complete custodian list — your recent email notably does not address this question.

The current list of 75 custodians is one Plaintiffs' counsel created independently. Additionally, Wells Fargo failed to identify custodians with responsive information, whom we discovered only after the Court compelled production of SARS related documents. We also remain uncertain if Wells Fargo has identified the relevant BSA/AML employees, whose identities we have consistently requested, including via interrogatories, and have not been provided to us and whose emails we will want searched too. Wells Fargo's unverified interrogatory responses dismissed this request as imposing a disproportionate burden, which aligns with Wells Fargo's ongoing position on this matter.

To eliminate confusion, please provide a comprehensive custodian list. Given Wells Fargo's ongoing document searches, it presumably exists, eliminating any basis for

burden for its continued withholding. That list would presumably clear up any confusion.

Thank you.

Regards,

Brett

Brett E. von Borke, Esq.  
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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Tuesday, April 22, 2025 3:07 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Grisette, Jill Crawley <[JGrisette@mcguirewoods.com](mailto:JGrisette@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

Do you have a communication that outlines what you say below about the Wells Fargo representation? To my recollection, Wells Fargo has never stated that this case “would involve more than a thousand” custodians. Nor do I think the parties are operating off the same definition of custodian (e.g., a relevant witness whose documents are relevant to the claims or defenses) as opposed to a Wells Fargo employee that may have done a ministerial task for Seeman Holz like deposit a check or routine account maintenance.

Perhaps we had a misunderstanding on this point, but it’s an issue we should resolve on our call tomorrow so we can focus on the key custodians. Rather than go back and forth we can discuss tomorrow as that seems like a productive effort given our success in the past in working through issues on the phone.

Thanks,

Jarrold

**Jarrold D. Shaw**

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---

**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Tuesday, April 22, 2025 2:22 PM  
**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Hi Jarrod,

At the outset of this case, Plaintiffs requested that Wells Fargo provide a complete list of potential custodians. Wells Fargo declined, stating it would involve more than a thousand individuals and would be unduly burdensome. Wells Fargo reaffirmed this position during the initial negotiations concerning custodians and search terms and has consistently maintained it throughout discovery.

If Wells Fargo's position has changed and it now wishes to provide a complete custodian list, Plaintiffs welcome that disclosure and will use it to facilitate further discussions. In fact, it has been Plaintiffs position that this would be the most effective and efficient manner to handle the custodian list negotiation. Alternatively, if the number of custodians is fewer than 1,000, please inform us of the correct number and identify those custodians. Otherwise, Plaintiffs will continue relying on Wells Fargo's prior representation that identifying all custodians is excessively voluminous and impractical due to the large number involved.

Regards,

Brett

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Tuesday, April 22, 2025 12:16 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Grisette, Jill Crawley <[JGrisette@mcguirewoods.com](mailto:JGrisette@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Heston, Nellie E. <[NHeston@mcguirewoods.com](mailto:NHeston@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** Re: Seeman Holz - Search Term Conferral

Brett,

We can add the below to our call on Wednesday.

Just to clarify, we are unclear on when or where Wells Fargo has ever explained that there are thousands of potential custodians. That is not Wells Fargo's position. We are also not clear on where you are getting the data when you state that 75 custodians represents 10% of the overall custodians (meaning there are 750) that interacted with Seeman Holtz. We can separately address your points below as they miss several issues associated with the collection, deduplication and proportionality issues that arise from your requests.

Ideally, however, when we talk we can work toward a path forward.

Jarrold

On Apr 21, 2025, at 5:57 PM, Brett E Von Borke  
<[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)> wrote:

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Hi Jarrod,

Thank you for your email outlining Wells Fargo's position on the custodians.

We appreciate Wells Fargo's cooperation in finalizing the search terms and recognize the effort involved. However, we do not agree that limiting custodians to 35 is sufficient, given the scale and complexity of this case. Wells Fargo has explained that there are thousands of potential custodians, and we have carefully identified those who appear most critical to understanding the relevant issues and involved in managing the Seeman Holtz and related entities' accounts.

Our request for 75 custodians is not disproportionate, considering this represents less than 10% of the individuals who interacted with Seeman Holtz and the relevant issues and the fact that this fraud was active for more than 14 years. There is thus a high likelihood that Wells Fargo employees came and went with regard to their involvement with Seeman Holtz and the scheme, increasing the number of custodians with non-duplicative documents. To reduce any potential burden, we remain willing to collaborate on limiting date ranges for specific custodians. But, as you have acknowledged during our calls, Wells Fargo will electronically deduplicate its responsive documents. Thus, if there is substantial overlap among the custodians (and we are not convinced there will be), deduplication will remove the burden on Wells Fargo of having to review more than once the same document in the possession of multiple custodians, while still allowing us to capture the unique documents in the possession of each custodian.

Please let us know if you're available to discuss this further during our call currently scheduled on Wednesday.

Thank you.

Regards,

Brett

Brett E. von Borke, Esq.  
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---

**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Friday, April 18, 2025 3:50 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Hutchinson, William O. L. <[WHutchinson@mcguirewoods.com](mailto:WHutchinson@mcguirewoods.com)>; McCamey, Zachary L. <[ZMcCamey@mcguirewoods.com](mailto:ZMcCamey@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

Here's where I think we stand on the custodians. We will need to discuss the list given Plaintiffs' requests and our considerations for proportionality, burden and diminishing returns for the extensive number of custodians plaintiffs have proposed. To facilitate the conversation, we thought it would be helpful to summarize the parties' respective positions and where we stand.

First, through both parties' cooperative efforts we have agreed on the search terms (subject to any issues once collection occurs) as confirmed in your April 15<sup>th</sup> email. As we informed you, Wells Fargo has already collected ESI for Paul Fritz, Beatriz DeZayas, Corbin Connell, and Josh Elsmore. That review is ongoing and we anticipate starting productions within 2 weeks.

**Wells Fargo’s Proposal**

As the parties have discussed custodians, Wells Fargo initially proposed 10 custodians. Plaintiffs pushed back on this proposal requesting that Wells Fargo identify additional custodians to cover additional areas of the litigation. As a result, Wells Fargo has proposed 23 custodians that the parties know were involved across the time period and touched the relevant subject matter at issue in the litigation. Please note, the review of these custodians is still subject to collection and review of the size and scope of the collection. For example, if the collection results in a disproportional number of documents we will need to revisit the custodian list. The custodians include:

Custodian	Title
Fritz, Paul	Assistant VP Corporate Trust Services, Longevity Group
Kearson, Jocelyne	Relationship Associate
Salamone, Michael ("Mike")	Senior Relationship Manager
Thomas, Anick	Assistant Vice President, Treasury Management Sales Analyst
Brazeau, Jilliana	Assistant Vice President
Cudnik, Christina	Vice President, Treasury Management Sales Consultant
DeZayas, Beatriz	Business Banking Associate
Dukart, Ann	Vice President, Relationship Manager, Corporate Trust Services
Dunmyer, Blanca	Business Banking Associate

Elsmore, Joshua ("Josh")	Vice President; CTS Relationship Management Manager
Garcia-Barbon, Jennifer	Officer; Senior Relationship Manager
Martin, Brad G.	Business Associate, Business Banking; Business Negotiations Consultant
Moran, Michael	Securities Admin Services Analyst (Corporate Trust Services - Longevity Group)
Murray, Shana Stephens	Co-Head of National Sales (Asset Backed Securities)
Oliver, Brent	Vice President
Skog, Brian	Securities Administration Services Analyst, Corporate Trust Services, Longevity Group
Starkman, Eric	Assistant Vice President; CCTS - Longevity Group
Truitt, Edward	Vice President
Vargas, Maryin	Business Associate, Business Banking
Vazquez, Pablo	Relationship Manager
Young, Christopher	Vice President
Connell, Corbin	Vice President
Wagner, Elizabeth	Vice President Corporate Trust Services

In addition to these custodians, Wells Fargo has also agreed to an additional 12 custodians primarily focused on FCI related communications with a narrowed time frame for collection. Per your request, we extended each of these time frames by 2 months on either side as set out below:

1. Sarah Shadrick – June 2016-April 2017; March 2021-January 2022
2. Mary Rodia – June 2016-April 2017
3. Lisa K. Barnett -March 2019-January 2020
4. Dana Fontanez – November 2019-September 2020
5. Darya Kravtsova – January 2020-February 2021

6. Pinkesh Rathod – March 2021-January 2022
7. Medgy Galvao – March 2021-January 2022
8. Lauren Habich – April 2021-February 2022
9. Raul Reyes, Jr. – October 2019-July 2020
10. Christina Reyes – October 2019-July 202
11. Gabrielle El-Massri – October 2023-August 2024
12. Michelle Gelpke – January 2017-November 2017

With the search terms now finalized, Wells Fargo is in the process of collecting the data for these custodians and moving forward with the review. Given the anticipated volume, we believe that that process will take several weeks, if not a few months. In total, this includes 35 custodians.

### **Plaintiffs' Proposal**

In addition to the above custodians, Plaintiffs previously requested that Wells Fargo collect the additional 16 custodians listed below. This would bring the total custodial collection to 51.

1. Trish Alvey
1. Brett Hudson
2. Jennifer Ayo
3. Brandon Higbee
4. Aimee Nelson
5. Geoffrey Moore
6. Delainna Prettyman
1. Sharon Stewart
2. Michael Orendorf
3. Scott Olmsted
4. Giovanti Humphries
5. Peggy Radke
6. Janice Ricks
7. Matthew Jorjorian
8. Michael Gelpke
9. Anthony Williams

In addition to that, you have further requested an additional 22 custodians, bringing the total to 73 including:

1. Mimi Coleman
2. Phyllis Howard
3. Gail Keen
4. David Callahan
5. Jennifer Candelaria
6. Brian Lok
7. April Knight
8. Barton Hodges
9. Melissa Leary
10. Joseph Diiorio
11. Tuyen Dang Nguyen
12. Bradley Sims
13. Mikhaela Ackerman

14. Pamela Lee
15. Jhade Descalzo
16. Stephanie Saldana
17. Stacey Hastings
18. Kaushik Ram
19. Carrie Foley
20. Katie Golay
21. Shannan Glenn
22. Eric Serdinsky

### Wells Fargo's response

Given the number of custodians, Wells Fargo takes the position that the negotiated list of custodians totaling 35 is more than sufficient for this case. The custodians touch on all aspects of the litigation and in many cases are already duplicative. Adding additional custodians because they appear on a document or are otherwise one of many recipients on an email does not necessarily create a reason for inclusion on the overall custodial list. As you are aware, with each custodian that is added, the likelihood of a non-duplicative responsive document goes down. The list as currently constructed will include a substantial volume of documents and likely will take several months to review. As Wells Fargo has continued to do with its production which now exceeds 177,703 documents consisting of 403,871 pages, Wells Fargo will produce documents on a rolling basis.

That said, Wells Fargo remains willing to revisit the list to the extent that issues arise or there is a reason to add some minimal additional custodians if necessary. Given the Receiver's production of 422,966 documents and Wells Fargo's forthcoming productions, we do not believe that this will be necessary.

If a call would be helpful to discuss, please let us know.

Jarrold

### **Jarrold D. Shaw**

Partner

McGuireWoods LLP

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[jshaw@mcguirewoods.com](mailto:jshaw@mcguirewoods.com)

---

**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Thursday, April 17, 2025 7:52 PM

**To:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>

**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Hutchinson, William O. L.

<WHutchinson@mcguirewoods.com>; McCamey, Zachary L.  
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<escobio@bucknermiles.com>; Elena Marlow  
<emarlow@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>;  
Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Haskell, Rick C.  
<RHaskell@mcguirewoods.com>; Jon Kobrinski  
<jkobrinski@bucknermiles.com>

**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Jarrold,

Any update on the list of custodians? Thank you.

Regards,

Brett

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**From:** Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>  
**Sent:** Monday, April 14, 2025 9:35 AM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; Griset, Jill  
Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; David M. Buckner  
<[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles  
<[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com);  
[ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com);  
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<NHestin@mcguirewoods.com>; Hutchinson, William O. L.  
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Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Haskell, Rick C.  
<RHaskell@mcguirewoods.com>; Jon Kobrinski  
<jkobrinski@bucknermiles.com>

**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

Thank you for your response.

We have to say we are surprised at the below – you have introduced an entirely new request to try and leverage the ongoing search terms discussion we have been having for several weeks. Wells Fargo wants to reach an agreement on the terms so we can continue to move forward. Introducing a request to add 25 custodians unnecessarily delays this process especially seeking to tie the two issues together. We provided very reasonable positions for our pushback on a limited number of terms. We have been more than agreeable in working with Plaintiffs and the list of search terms is expansive. As a result, we will not agree to search an additional 25 custodians in exchange for plaintiffs agreeing to drop 6 search terms. As such, we will solely focus on the terms to try and get that resolved or fully narrowed and then we can separately discuss the additional custodial requests.

We are agreeable to including SPHC as a search term. We will not agree to PLC for the reasons we articulated. The needle the haystack of the term hitting PLC that does not get included with the other search terms already agreed to is far outweighed by Wells Fargo having to review documents that have a European corporate name “PLC” included, like the examples we provided.

Please let us know if this is agreeable or we will have to set up a time to discuss with the Court. We will seek cost shifting at this point, if we go that route, given the disproportionality of these demands.

As for custodians, we will separately respond. But, we will not agree to tie these two issues together given where we are and they have not been part of the negotiation to date. If that’s plaintiffs’ new position, we will need to revisit all the terms and develop a much more targeted set of terms.

Jarrod

**Jarrod D. Shaw**

Partner

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**From:** Brett E Von Borke <[vborkb@bucknermiles.com](mailto:vborkb@bucknermiles.com)>  
**Sent:** Friday, April 11, 2025 2:08 PM  
**To:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Hutchinson, William O. L. <[WHutchinson@mcguirewoods.com](mailto:WHutchinson@mcguirewoods.com)>; McCamey, Zachary L. <[ZMcCamey@mcguirewoods.com](mailto:ZMcCamey@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Jill and Jarrod,

Thank you for meeting and conferring with us this morning and further explaining Wells Fargo's position on the search terms.

To reach a mutually agreeable resolution, we propose that Wells Fargo include only SHPC and PLC from the remaining terms under negotiation. In return, we request that Wells Fargo agree to search the list of 50 custodians we previously provided, and to add the following individuals, identified for the first time in the SARs production ordered by the Court, to the list: (1) Mimi Coleman, (2) Phyllis Howard, (3) Lauren Habich, (4) Gail Keen, (5) David Callahan, (6) Jennifer Candelaria, (7) Brian Lok, (8) April Knight, (9) Barton Hodges, (10) Melissa Leary, (11) Joseph Diiorio, (12) Tuyen Dang Nguyen, (13) Bradley Sims, (14) Mikhaela Ackerman, (15) Pamela Lee, (16) Jhade Descalzo, (17) Stephanie Saldana, (18) Stacey Hastings, (19) Kaushik Ram, (20) Carrie Foley, (21) Katie Golay, (22) Darya Kravtsova, (23) Shannan Glenn, (24) Eric Serdinsky, and (25) Dana Fontanez.

We are open to agreeing to a date limitation if these individuals worked on the Seeman Holtz and related entities' accounts for a specific period, as we have done with other custodians.

We believe this proposal addresses Wells Fargo's concerns while ensuring all relevant documents are captured. Please let us know if this proposal works for Wells Fargo or if you have any questions or concerns.

Have a nice weekend.

Regards,

Brett

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**From:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>  
**Sent:** Thursday, April 10, 2025 2:58 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

Ok thanks!

---

**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Thursday, April 10, 2025 2:55 PM  
**To:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com);

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**Subject:** RE: Seeman Holz - Search Term Conferral

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Jill,

Thank you and we are available. We will circulate the zoom invite shortly. Be well.

Regards,

Brett

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**From:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>  
**Sent:** Thursday, April 10, 2025 1:25 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com);

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**Subject:** RE: Seeman Holz - Search Term Conferral

Jerrold and I are available at 10 tomorrow if you want to send an invitation.

---

**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Wednesday, April 9, 2025 5:57 PM  
**To:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

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Jill,

Thank you for your efforts in meeting and conferring to address certain outstanding issues related to Wells Fargo's email and document production. In the spirit of continued cooperation, we agree that Wells Fargo can use the first name limiter for the common last names previously proposed. Please provide the final list for our review so we can finalize this aspect of the parties' negotiations.

Unfortunately, we cannot agree to forgo the proposed search terms in the chart below and believe this narrow issue should be brought before

the Court. While I do not want to reiterate points we've already made, we believe the numbers in Wells Fargo's calculation are inflated, given that the sample is based on three individuals heavily involved with the Seeman Holtz accounts during periods of significant activity (e.g., DZ Bank credit facility). Additionally, and even using those inflated numbers, we do not believe the search terms yielded results that are disproportional to the needs of this case. We understand Wells Fargo disagrees, but we appreciate the progress we've made in narrowing the issue to these few remaining terms.

We will reach out to the Court to obtain hearing dates and would like to coordinate with Wells Fargo on the most efficient way to brief this narrow issue. Please let us know your availability for a meet and confer to discuss.

Again, thank you for your efforts.

Regards,

Brett

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**From:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>  
**Sent:** Wednesday, April 9, 2025 3:19 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Hutchinson, William O. L. <[WHutchinson@mcguirewoods.com](mailto:WHutchinson@mcguirewoods.com)>; McCamey, Zachary L. <[ZMcCamey@mcguirewoods.com](mailto:ZMcCamey@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C.

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<JShaw@mcguirewoods.com>; Jon Kobrinski

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**Subject:** RE: Seeman Holz - Search Term Conferral

Brett,

We can agree to add in “AG Deutsche Zentral-Genossenschaftsbank.” In looking back at these numbers in our database, it looks like something happened when the numbers were added to the spreadsheet – it appears to be a transposing error. The correct hit counts are below.

Term	Grand Total
Fraud	1,850
SHPC	83
Foreclosure	81
ISG	43
DZ	38
NSI	35
PLC	18
OFR	1
Grand Total	2,149

Although it is showing a grand total of 2,149, it is actually 2,117 when you dedupe documents that hit on more than one term. If you remove the ISG term, the terms hit on 2,087 in the sample set, so that doesn't do much. The problem isn't with the sample set – it is with the larger population. Remember that the sample set is just 3 years of data for 3 custodians (1 year for each custodian). So, if you divide 2087 by 3 and multiple it by 14 years, you get 9,739. And the number typically double or triples when you add in families. And then you multiply that by 25 custodians (and you are actually seeking 50 custodians, but for the sake of argument I'll use 25) and that adds 243,483 documents NOT including families. With families, it is likely at least half a million documents. If we take out fraud, assuming you were amenable to taking out the highest hitter, we are at about 296 documents that hit on the above list in the sample, 683 with families. So, 683 divided by 3 X 14 X 25 is an additional 80,000 documents. And, based on our sample set *none* of these terms by themselves are bringing in any responsive documents. I.e., responsive documents are hitting on other terms as well. So, I think if that is your final position, we are at an impasse, but we'd be happy to jump on the phone to discuss further.

Regarding the names, I'm not sure what you mean by overlap. Wells Fargo has over 200,000 employees, so what we typically see is names hitting on employee names that have nothing to do with the case. Lots of emails are sent out to a lot of recipients and when you include just the last name, it is highly likely to hit on an employee's name. I can't

imagine a scenario where it would hit on an insured's last name and hit on no other term on the list yet be responsive. Do you have an example of a document you have found like that? I just don't think it makes sense at this point to be broadening the list to all these last names by themselves. You have left on the list the following names, which I think are very common: Hodge, Cohen, Baxter, Goodwin, Moss, Mason, Jones, Wilson, Walker, Terry, Johnson, Gardner, Richard, Phillips and McDougal are fairly common names. Further, you have left on names that stand for common words – Lax (stands for the LA airport), going, miles, lane, pace, green, bye, ring, senior, board, capital, tan, wild, ball and blank are words that would be used in other contexts and likely to hit on a large volume. Daniel, Gordon and Donald are first names and I would expect a ton of hits in larger data sets. Greenspan is likely to hit on anything mentioning Alan Greenspan. Beyond that, we really can't predict how many times the other names might falsely hit as well, but I don't see the utility in adding them if they aren't going to add additional unique responsive documents and I can't see how they would.

We would be happy to jump on a call to discuss further, but we really cannot agree to run such broad terms that are so likely to hit on large volumes of documents.

### **Jill Crawley Griset**

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<image001.jpg>

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Wednesday, April 9, 2025 11:03 AM  
**To:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
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<jkobrinski@bucknermiles.com>  
**Subject:** RE: Seeman Holz - Search Term Conferral

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Hi Jill,

Any update on Plaintiffs proposal below? Thank you.

Regards,

Brett

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**From:** Brett E Von Borke  
**Sent:** Thursday, April 3, 2025 3:02 PM  
**To:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
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<jkobrinski@bucknermiles.com>

**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Jill,

Thank you for your email and for clarifying the use of \* and quotation marks in the search terms. With that explanation, we are fine with the approach you outlined. We also appreciate you identifying the FCI case numbers—those are helpful, and we thank Wells Fargo for agreeing to run them too.

As to the concern about common last names, we understand Wells Fargo's position. However, we do not believe that there will be meaningful overlap within the specific departments and custodians at issue. However, in order to reach some compromise between our positions, we will agree to allow WF to use first name limiters on the following last names: (1) Resnick; (2) Schneider; (3) Schwartz; (4) Davis; (5) Smith; (6) Alexander; (7) Brown; (8) Blumberg; (9) Jones; (10) Jacobs; (11) Greenberg; (12) Levine; (13) Brady; (14) Martinez; (15) Levy; (16) Thomas; (17) Adams; (18) Weiss. Please let us know if that is agreeable.

Regarding the 11 search terms Wells Fargo will not run, we do not believe the hit counts supports Wells Fargo's claim of burden using the sample size of 15,580 documents. Several terms—such as “foreclosure,” “DZ,” and “AG Deutsche Zentral-Genossenschaftsbank”— returned zero hits. Similarly, “PLC,” which relates to the Para Longevity Entities at issue, returned only one. Others—including “Florida Office of Financial Regulation,” “NSI,” “OFR,” “Fraud,” “STOLI,” and “SHPC” — each returned fewer than 85 hits. This indicates that these ten terms are narrowly tailored. Only “ISG” generated a substantial count. In the interest of reaching an agreement, we are willing to forgo “ISG” if Wells Fargo agrees to run the remaining 10 terms.

We appreciate Wells Fargo's efforts and the time spent addressing these issues and working through them to avoid the intercession of the Court. However, these likely represent our final positions on these issue absent a compelling argument from Wells Fargo. If agreement cannot be reached, please let us know so we can raise this matter with the Court.

Many thanks.

Regards,

Brett

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**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Brett,

I think Excel added a ' for some reason to some of the terms starting with the @ symbol, but that was not actually part of our search – it was just Excel weirdness. We added a wildcard just to be safe, although it should hit the way we had it listed. Also, if the term is one term and not a phrase it doesn't need a quote – it will run fine without quotes. We nevertheless cleaned it up to be consistent. A revised version is attached.

I have highlighted some terms we added at the end – these are FCI case numbers – for the FCI custodians, this is how they refer to the cases so we really should only need to run those terms. We can run the larger list to just make it simple for Wells Fargo – to run one list, but if we get a lot of false hits, we may come back and ask to just run the FCI numbers for those.

Regarding the insured names – we feel like we picked out the ones that were unique – you would be surprised at how many names there are at Wells Fargo and how many false hits we get on names. I really think the

single last names could hit a lot of other employee names – I see it all the time and often it is names you wouldn't think would come up much. There are lots of employees at Wells Fargo and a lot of e-mails that go to a lot of recipients. I think it is unlikely the insured will be referred to with only the last name and honestly, if they are, with no other hit on our list, a reviewer would likely end up concluding it isn't the right person and is nonresponsive. That said, if you think there are some unique names that should be run with just the last name because you think they would be referred to with just their last name and wouldn't hit on any other term, please let us know which ones. I really think this is overkill – if the document is relevant, and dealing with the right insured, it should hit on other terms. (And they likely will be using first and last name anyway when referring to them).

Regarding the terms we are not agreeing to run, I added the hit count from the sample unfiltered set to the Excel. A couple of the terms don't have hits, but as noted below, we anticipate there would be false hits in other custodians' files and we think it is unlikely that anything responsive would hit on those terms and not on other terms if they were responsive.

Finally, you said some of the explanatory notes about the terms were unclear – let me know what we can clarify.

Best,

**Jill Crawley Grisct**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Hi Jill,

Thank you for providing the revised list of search terms and explanatory notes.

Regarding the search terms WF is willing to run, we noticed some inconsistencies—some terms begin with an asterisk, others are enclosed in quotation marks, and some have only a quotation mark at the end. Would you please confirm that these characters are not acting as limiters and that the search will be run without any such limiters?

As to the insureds' names, we believe too many searches still include first names paired with unique last names. For instance, we do not consider "Gruenstein" a common last name, yet it is still being run with a first name. There are several similar examples. We believe these combinations should be limited to only the most common last names, such as "Smith" or "Davis."

Finally, for the terms WF declined to add, it would be helpful to receive the hit counts for each of those terms. We also found some of the explanatory notes unclear. Once we have the hit count numbers, it may be worthwhile to schedule a call to reach agreement on the remaining search terms.

Please let us know when you expect to share the hit count numbers and be available to discuss. Many thanks.

Regards,

Brett

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**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Brett,

Attached is a list that we are willing to run if it does not generate a large number of false hits. We have listed on the second tab the terms we are not willing to run. When we tested those terms, we were finding a lot of false hits. I've listed some examples below:

PLC – this hits on European companies, as PLC is used in corporate names.

SHPC – this is a term that shows in the extracted text for logs – i.e., “SHPC logo for email”.

ISG – we couldn't find any documents that didn't already hit on the other terms.

OFR – this hit on encrypted emails that for whatever reason were showing OFR in the extracted text and were not relevant. We did not see any reference to the (OFR) Office of Financial Regulations that did not hit on other terms.

NSI – We were seeing random hits in the extracted text but none that were responsive that were not already hitting on the other terms.

STOLI- Stranger Owned Life Insurance – this is a general term and could apply to non-relevant parties, would be common within the industry.

AG Deutsche Zentral-Genossenschaftsbank – this is a bank name and not tied to relevant entities, relevant documents would hit on other terms, and this has the possibility of irrelevant hits. The documents that are relevant should hit on the other terms.

Florida w/3 Office w/3 Financial /3 Regulation – this term by itself, without other terms to connect it to the relevant entities will be over broad, the OFR has broad jurisdiction and many of the documents the Florida based employees would have are under the jurisdiction of the OFR. Any document that is from the OFR that would be responsive would reference other terms.

For the insured names, we did add the last names if they were unique names but left them as is (with the limiter) if we thought they could create false hits.

Let us know if this search term list is acceptable.

### **Jill Crawley Griset**

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---

**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>

**Sent:** Monday, March 24, 2025 4:22 PM

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<jkobrinski@bucknermiles.com>

**Subject:** RE: Seeman Holz - Search Term Conferral

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Jill,

Thank you for your email. While we disagree with your points regarding volume and size, there is no need to continue debating these matters now. Both parties can raise them with the Court, if necessary, later.

We believe that fraud, DZ, and foreclosure should be included in the search terms but are willing to hold that in abeyance pending the results of these negotiations.

Based on your email, it appears the next step is to await your search results, which will allow us to have a more informed meet and confer. Please let us know when you expect to have those results so we can tentatively schedule that call.

Many thanks and be well.

Regards,

Brett

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**From:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Brett,

Regarding the volume of documents in proportion to the size of the case, we disagree that reviewing 2 million documents would be proportional here if the majority of the documents are nonresponsive. Based on our sample, 81% of the documents your search terms retrieved were nonresponsive, so that is what is disproportionately burdensome about them. The goal should be to use terms that will minimize the number of nonresponsive documents that need to be reviewed.

On the timing of reviewing the first set of documents, we just spoke this morning on that issue, and as I explained, reviewing the documents in pieces won't change anything related to the deduping, so we can and actually should start the review as soon as possible so we can get documents out quickly. If we filter using our search terms and review and produce documents and then later add another search term and add additional documents, those documents will be deduped from what was already reviewed. We globally dedupe everything we load to our database, so there shouldn't be an issue. As I explained the deduping isn't perfect – for example, sometimes it sees duplicate e-mails as unique because they are on different servers, but that will happen whether we do it all at once or piecemeal – the process is the same either way.

We will look closer at the additional terms you are suggesting we add and will test them across our sample set, but we can't agree to fraud, foreclosure or DZ. There are numerous documents that contain those terms that have nothing to do with this case and they are not uniquely hitting on anything responsive that isn't already hitting on our terms. In our data set, nonresponsive documents that hit on "fraud" include numerous forms and powerpoints that generally discuss fraud risk mitigation, e-mail newsletters that discuss fraud, personal emails to custodians about their credit card accounts that have general statements on preventing fraud, discussions of products the bank

markets to consumers to prevent fraud, etc. Same with foreclosure – we are seeing things like personal financial statement business banking forms, change in terms agreements, client information document forms and other documents that have the word foreclosure in them that are not relevant and nonresponsive to the discovery requests. DZ appears to be hitting on code within documents and references to DZ Bank that have nothing to do with this case. Those terms are not uniquely hitting on any responsive document where no other term on our list is hitting. If it is responsive, it will hit on another term. So, all these terms are doing is bringing in more nonresponsive documents we'd have to review, which really doesn't make any sense and is disproportional.

Regarding the other terms, we need to do some more testing on them before agreeing to them. On the insured names, I don't think it will be an issue to use just the last name if the name isn't a common name (assuming we aren't seeing a lot of false hits), but if it is a common name, we need to have it with the first name to avoid false hits on employees or customers with the same names.

Regarding the date limitations on the 12 individuals, we are willing to add them to the list with the more limited date ranges that you were amenable to as long as they do not result in an undue burden (i.e., we need to assess the volume that hit on search terms).

### **Jill Crawley Grisct**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Thursday, March 20, 2025 7:02 PM  
**To:** Grisct, Jill Crawley <[JGrisct@mcguirewoods.com](mailto:JGrisct@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
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**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Jill,

I inadvertently left off the Potter Anderson attorneys from my list below. My apologies. We would also like to include the following: (1) Scott /3 Waxman; (2) swaxman@potteranderson; (3) Jessica /3 Willey; (4) [jwilley@potteranderson.com](mailto:jwilley@potteranderson.com); (5) Nicholas /3 Frolio; (6) [nfroio@potteranderson.com](mailto:nfroio@potteranderson.com); and (7) @potteranderson. To the extent these attorneys took roles at any other firms and worked on Seeman Holtz matters, we would also like to include their email addresses for those firms too. Thank you.

Regards,

Brett

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---

**From:** Brett E Von Borke

**Sent:** Wednesday, March 19, 2025 8:19 PM

**To:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>; David M. Buckner

**Cc:** Kinghorn, Mark W. <MKinghorn@mcguirewoods.com>; Seth Miles <seth@bucknermiles.com>; jds@sallahlaw.com; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <NHestin@mcguirewoods.com>; Hutchinson, William O. L. <WHutchinson@mcguirewoods.com>; McCamey, Zachary L. <ZMcCamey@mcguirewoods.com>; Amelie Escobio <escobio@bucknermiles.com>; Elena Marlow <emarlow@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>; Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Haskell, Rick C. <RHaskell@mcguirewoods.com>; Shaw, Jarrod D. <JShaw@mcguirewoods.com>; Jon Kobrinski <jkobrinski@bucknermiles.com>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Jill,

Thank you for your email and Wells Fargo's proposal. We appreciate Wells Fargo's consideration of the points raised in Plaintiffs' proposal.

Regarding the volume of documents, Wells Fargo's projections from our last call estimate that, at the outermost limit, 2 million documents would be returned. Plaintiffs explained why we believe that number is inflated. Given the 14-year banking relationship, the involvement of hundreds of individuals, and losses exceeding \$400 million, we do not consider 2 million documents disproportionate. However, the proposals Plaintiffs have already agreed to have significantly reduced Wells Fargo's projections for document review and production. We believe these proposals, along with the additional proposed compromises below, will lead to an acceptable outcome for both parties.

With respect to running various search terms on the 8-10 custodians to get an idea of the volume, that is acceptable to Plaintiffs. However, Plaintiffs believe production should not begin until all search terms and custodians have been fully negotiated so that all of the agreed search terms can be run on all of the agreed custodians' email files in one run. This will enable production in accordance with the ESI protocol to minimize overall volume through de-duplication. Specifically, the ESI protocol requires the email production be de-duplicated by Wells Fargo across the entire production of email, not just within subsets of production which is what we expect will happen if you run the searches against and produce documents from only some of the custodians and then repeat the process with the next group.

Regarding the search terms, we have two compromise proposals. First, if Wells Fargo agrees to run the last name of the insured without the first name, Plaintiffs are willing to forgo the names of insurance companies with the caveat that if find that we are missing significant documents because the insurance company names were not searched we can revisit that issue. Second, we are willing to forgo some of the additional search terms from the "Do Not Agree to Add" list, but we believe the following terms from the "Do Not Agree to Add" list must be included. These are:

1. PLC
2. @24kcapital.com
3. @integrityfunding.com
4. @silverpointcapital.com
5. @brianjayschwartz.com
6. Fred w/3 Tan
7. Florida w/3 Office w/3 Financial /3 Regulation
8. OFR
9. ISG
10. Integrity w/3 Assets
11. Integrity w/3 Life
12. Integrity w/3 Funding
13. SH w/3 Global
14. SHPC
15. NSI
16. Altra
17. Valentio
18. JEMS
19. Pelican w/3 Capital
20. DZ
21. AG Deutsche Zentral-Genossenschaftsbank
22. Teleios
23. Life w/3 Share w/3 Financial
24. STOLI
25. Fraud
26. Foreclosure

Finally, we will accept Wells Fargo's date range limitations for the 12 individuals identified in your email. However, we believe the date ranges should be extended by two months before and after Wells Fargo's proposed ranges, as previously discussed. We also reserve the right to revisit the date ranges should we find that any of the 12 individuals were involved in Seeman Holtz accounts outside the identified periods.

Thank you.

Regards,

Brett

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**From:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>  
**Sent:** Tuesday, March 18, 2025 12:59 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Hutchinson, William O. L. <[WHutchinson@mcguirewoods.com](mailto:WHutchinson@mcguirewoods.com)>; McCamey, Zachary L. <[ZMcCamey@mcguirewoods.com](mailto:ZMcCamey@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Shaw, Jarrod D. <[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Jon Kobrinski <[jkobrinski@bucknermiles.com](mailto:jkobrinski@bucknermiles.com)>  
**Subject:** RE: Seeman Holz - Search Term Conferral

Hi Brett,

We attach an amended list that adds the insureds and some of the additional terms you proposed as well as specific e-mail addresses of people who may have had some involvement related to the Seeman Holtz entities from Lockelord and Akerman (all shown in yellow on the attached). These additional terms do not seem to have issues with bringing in a lot of false hits based on the sample set, but if we learn that they are generating a lot of false hits in certain custodians' files, we reserve the right to amend the list (and we would let you know if we do that). We are concerned about the overall volume the terms are likely to generate over the whole time period for even the list of 23 custodians that we initially proposed, so as noted, we'll plan to start on 8-10 custodians and see what the volumes are like and then go from there.

We are not agreeing to add the insurers' names or the other general terms that I've noted on the second tab of the excel. These terms are too likely to generate false hits. And, based on our sample set, the list we have attached already hits on 100% of the documents marked responsive in our sample set. Any additional terms we add now are only likely to bring in more nonresponsive documents, lowering our precision rate without a corresponding increase in the recall rate. So, we don't think it is reasonable to add them at this point.

We have also listed below the date ranges that we believe should be applied to particular custodians you have proposed, should we agree to run terms across their data. We don't know the years of every custodian's involvement, so we haven't listed all of them, but include

only the ones we know the years of their involvement. Please let us know if you will agree to this more limited date range for those custodians, at least for now.

Let us know if you think it would be helpful to jump on another call.

1. Sarah Shadrick – August 2016-February 2017; May 2021-November 2021
2. Mary Rodia – August 2016-February 2017
3. Lisa K. Barnett -May 2019-November 2019
4. Dana Fontanez – January 2020-July 2020
5. Darya Kravtsova – March 2020-December 2020
6. Pinkesh Rathod – May 2021-November 2021
7. Medgy Galvao – May 2021-November 2021
8. Lauren Habich – June 2021-December 2021
9. Raul Reyes, Jr. – December 2019-May 2020
10. Christina Reyes – December 2019-May 2020
11. Gabrielle El-Massri – December 2023-June 2024
12. Michelle Gelpke – March 2017-September 2017

Best,

**Jill Crawley Grisct**

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**From:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Sent:** Friday, March 14, 2025 12:59 PM  
**To:** Grisct, Jill Crawley <[JGrisct@mcguirewoods.com](mailto:JGrisct@mcguirewoods.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Hutchinson, William O. L. <[WHutchinson@mcguirewoods.com](mailto:WHutchinson@mcguirewoods.com)>; McCamey, Zachary L. <[ZMcCamey@mcguirewoods.com](mailto:ZMcCamey@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>;

Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C.

<[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Shaw, Jarrod D.

<[JShaw@mcguirewoods.com](mailto:JShaw@mcguirewoods.com)>; Jon Kobrinski

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**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Hi Jill,

Plaintiffs have reviewed their prior search terms along with the Receiver's and created a revised list to reach a compromise resolution with Wells Fargo. We've added terms in red to Wells Fargo's list on page 1 of the attached and included additional search terms on pages 2-5, mostly consisting of the names of life insurance companies and insureds. We are providing these search terms subject to our prior reservation of rights.

Please let us know when you're available to meet and confer on these issues.

Regards,

Brett

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**From:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>

**Sent:** Friday, March 14, 2025 9:49 AM

**To:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>; Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>



bring in more nonresponsive documents. In other words, the additional terms may hit on responsive documents, but the original term list already captured the document anyway, so they really aren't needed and can generate false hits. Our current search term list appears very good at capturing the responsive documents based on the sample set, so additional terms are not likely to find new documents that wouldn't already be captured by the terms.

All of that said, we are willing to add additional terms if they are reasonable and unlikely to generate false hits. Let us know your thoughts after you have had a chance to review the hit report.

As you note, we are also working on proposed limitations on time frames for the additional custodians requested. While this is without limitation to our concerns on our burden, hopefully this will help us reach a middle ground.

Best,

**Jill Crawley Grisct**

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---

**From:** David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Sent:** Thursday, March 13, 2025 8:28 PM  
**To:** Grisct, Jill Crawley <[JGrisct@mcguirewoods.com](mailto:JGrisct@mcguirewoods.com)>; Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Hutchinson, William O. L. <[WHutchinson@mcguirewoods.com](mailto:WHutchinson@mcguirewoods.com)>; McCamey, Zachary L. <[ZMcCamey@mcguirewoods.com](mailto:ZMcCamey@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow <[emarlow@bucknermiles.com](mailto:emarlow@bucknermiles.com)>; Alex Llanos <[aLlanos@silverlaw.com](mailto:aLlanos@silverlaw.com)>; Rottmann, Emily Y. <[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)>; Haskell, Rick C. <[RHaskell@mcguirewoods.com](mailto:RHaskell@mcguirewoods.com)>; Shaw, Jarrod D.

**Subject:** RE: Seeman Holz - Search Term Conferral

**\*\*EXTERNAL EMAIL; use caution with links and attachments\*\***

Jill,

Thank you for your email. We have some observations and proposals we'd like you to consider, which we are of course happy to discuss further. We agree with the need to move forward expeditiously, and thus we will make ourselves available at any time you choose.

First, an observation. You chose for your sample three custodians (Fritz, Salamone, and Dezayas) most directly involved in the Seeman Holtz matter and years where there would have been more activity with Seeman Holtz in which they would have been involved. You then applied the figures you derived from your statistical sampling of 1/3 of the documents you pulled for them to the entirety of the 50 custodians over 14 years. That is likely to have resulted in a considerable overestimation of the documents you would have to review and potentially produce. It assumes that all 50 custodians were as involved as these three and as active every year as they were during particularly involved periods. Thus, we do not think that the burden is as great as your figures imply. However, we do agree that adjustments are appropriate to improve both the precision and recall rates.

During our call yesterday, Emily said that she would send us the names of those custodians among our list of 50 whose period of involvement with Seeman Holtz was less than the 14 year period we requested, along with a proposed abbreviated search period for each of them and an explanation of how that period was derived. We are amenable to limiting certain custodians to certain time periods based on this methodology. Please provide us with that information and we will work with you to come up with agreed period limitations for those custodians. But we continue to believe that these 50 custodians are the appropriate set from whom to search for responsive documents.

We also appreciate that certain of our search terms may yield false positives. It would be helpful to see which of our search terms are yielding the most (and least) hits, but we understand that you have not run them each individually to obtain that data. We will work with your list of search terms attached and propose additions from our list to try to come up with an agreed list. We will do our best to avoid words that are too common (Pacific is a good example). And we will make ourselves available to discuss. If you then want to run that agreed list against the first 8-10 people on your list (which we would appreciate you identifying for us) for the 14 year period of the fraud, to see what kind of returns you're getting before running the list against all 50

custodians for the 14 years, we can work with you on that. We, as you, reserve our right to seek adjustments. But our goal, as always, is to come up with a reasonable compromise to which we can all agree.

Finally, as I noted during the call yesterday, we proposed a status conference with Judge Goodman so that we can keep him apprised of how this process is moving and whether it imperils the schedule as currently set by the Court. Jarrod proposed that we wait to set that status conference for a couple of weeks until we have more visibility on your email production schedule, as this is likely to be the category of document production that will take Wells Fargo the most time. (We understood from Jarrod and Emily that the only other major category of production remaining is the deal key documents, and that everything other than these two categories involves more discrete searches that should be completed shortly.) We, of course, want to be sure we have time to receive all of Wells Fargo's documents, review them, and take depositions before discovery closes. Jarrod noted that if we have to ask the Court to extend the schedule into early 2026 that is an option, and we appreciate your flexibility. We agree with his proposal and will work with you on setting a status conference after we work through these issues over the next couple of weeks.

Thank you again for speaking with us.

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**From:** Griset, Jill Crawley <[JGriset@mcguirewoods.com](mailto:JGriset@mcguirewoods.com)>  
**Sent:** Wednesday, March 12, 2025 7:27 PM  
**To:** Brett E Von Borke <[vonborke@bucknermiles.com](mailto:vonborke@bucknermiles.com)>; David M. Buckner <[david@bucknermiles.com](mailto:david@bucknermiles.com)>  
**Cc:** Kinghorn, Mark W. <[MKinghorn@mcguirewoods.com](mailto:MKinghorn@mcguirewoods.com)>; Seth Miles <[seth@bucknermiles.com](mailto:seth@bucknermiles.com)>; [jds@sallahlaw.com](mailto:jds@sallahlaw.com); [jak@sallahlaw.com](mailto:jak@sallahlaw.com); [ssilver@silverlaw.com](mailto:ssilver@silverlaw.com); [rschwamm@silverlaw.com](mailto:rschwamm@silverlaw.com); [pspett@silverlaw.com](mailto:pspett@silverlaw.com); Hestin, Nellie E. <[NHestin@mcguirewoods.com](mailto:NHestin@mcguirewoods.com)>; Hutchinson, William O. L. <[WHutchinson@mcguirewoods.com](mailto:WHutchinson@mcguirewoods.com)>; McCamey, Zachary L. <[ZMcCamey@mcguirewoods.com](mailto:ZMcCamey@mcguirewoods.com)>; Amelie Escobio <[escobio@bucknermiles.com](mailto:escobio@bucknermiles.com)>; Elena Marlow

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Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Haskell, Rick C.  
<RHaskell@mcguirewoods.com>; Shaw, Jarrod D.  
<JShaw@mcguirewoods.com>

**Subject:** Seeman Holz - Search Term Conferral

David and Brett:

As we discussed earlier today, we have loaded a set of unfiltered data from a sampling of custodians to test the search terms you proposed and to compare them to our search terms. The sampling was taken from Paul Fritz for the period from 1/1/2013-12/31/2013, Michael Salamone from 1/1/2016-12/31/2016 and Beatriz Dezayas from 1/1/2018-12/31/2018. The entire unfiltered set was about 15,000 documents and when we asked Relativity to create a statistical sample from that set with a 99% confidence level and a 1.5% margin of error, it created a sample of 5,005 documents, which we reviewed for responsiveness and then tested the terms across that set.

When we spoke we explained that we estimated that your terms would result in the review of over 886,000 documents if we ran them across all 50 custodians for the entire 14 year time period you proposed. I unfortunately realized, when I was going over the numbers again to prepare this e-mail, that number was an underestimate. I had mistakenly limited my numbers to the smaller sample set of 5000, rather than the full 3 year period of data we had loaded (the 15,000 documents noted above). Your search terms hit on 8,676 documents (including families) from the 3 people noted above for the 3 year period. So, using that sample, on average, one year of data for one custodian would hit on approximately 2,892 documents. 2,892 documents per year X 14 years is 40,488 per custodian. Multiplied by 50 custodians, that is actually over 2,000,000 documents. Also, as we discussed, the problem with the terms is that a lot of the terms you have proposed are common words in banking and are hitting on nonresponsive documents (e.g., monitor, fund, securities, etc.) Pacific hits on the Pacific time zone, and there are numerous other examples. Because you have proposed over 600 terms we couldn't individually test each one, but it is obvious they are hitting on a lot of junk. Your terms have a 19% precision rate, meaning that only 19% of the documents are responsive in the set that hits on your terms, and 81% are nonresponsive. The recall rate for your terms is high – your terms hit on all but one of the responsive documents, so it is an over 99% recall rate. But the problem is the precision rate. If you searched the word “the” across the documents, it probably would have a 100% recall rate, but it would also hit on a lot of nonresponsive documents, so you really have to look at both numbers.

Wells Fargo's proposed terms are in the attached Excel and we have shown in yellow the additions we made to the original terms. Our terms now have the same recall rate as yours – over 99% (when we spoke earlier we were at 90%, but we added some additional terms) and our precision rate is 86%. So, our terms reduce the number of nonresponsive documents we have to review to get to the responsive documents. Thus, we believe our search terms are much more

reasonable. If we were to review the 23 custodians we had initially proposed using our search terms, we estimate the review size would be about 187,000 documents based on the hits in the sample set (our terms hit on 1744 in the sample set, so if we divide that by 3 and multiply by 14 years and 23 custodians, we get 187,000). Originally, I thought it was lower – around 88,000, but I had mistakenly been running the numbers on the smaller sample set. So, it is a very sizeable review.

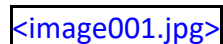
Given this larger population, we think it makes sense to start by processing the first 8-10 people on our list and see what kinds of volumes we are getting on our search terms and go from there. Let us know if you are amenable to our term list, with the understanding that you can reserve your rights to ask for additional searches down the road if we find that something important might be missing. If we can reach agreement quickly on the terms, we can at least get started on the initial set of custodians and see what kinds of volumes we are seeing, while at the same time take a harder look at the date ranges for the remaining custodians and continue to discuss any disputes we have about custodians.

Finally, we reserve the right to edit our terms if when we run the terms on the actual data, it appears to be creating a lot of false hits. If we did think edits were necessary, we would let you know and we could discuss them. We are basing our proposal on the sample set, and as we discussed, we could run into different results across some custodians.

Best,

**Jill Crawley Griset**

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 <image001.jpg>

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# **EXHIBIT 2**

**(To be filed under seal  
pursuant to the Court's  
Order D.E. 154)**

# **EXHIBIT 3**

**(To be filed  
conventionally with  
Court under seal  
pursuant to the Court's  
Order D.E. 154)**