

**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 REPLY IN FURTHER SUPPORT OF DISCOVERY MEMORANDUM AS  
TO HER REQUEST FOR SCREENSHOTS TRACKING LIFE  
INSURANCE POLICIES AND RELATED DOCUMENTS**

Wells Fargo (“WF”) argues Plaintiff is not entitled to the screenshots because the evidence does not support her claims. “But such has never been the rule in discovery.” *Manno v. Healthcare Revenue Recovery Group, LLC*, 2012 WL 4192987, at \*3 (S.D. Fla. Sept. 18, 2012) (rejecting defendant’s argument that it “need not respond to a discovery request because, *in the opinion of that party*, the requested information won’t help the opposition’s case all that much”) (emphasis added). This Court has repeatedly rejected WF’s contentions that the policy files are immaterial to its actual knowledge, that any policy-related fraud harmed only third parties, and that its role was merely ministerial. D.E. 53 at 55-62 (plaintiff sufficiently alleges actual knowledge); D.E. 135 at 8 (agreeing WF’s possession of the policy files bears directly on its knowledge); D.E. 81 at 17 (unsuccessfully arguing investors were not the victims of any policy fraud); D.E. 132 at 5 (unsuccessfully arguing it had limited contractual obligations to perform ministerial actions). WF’s 11<sup>th</sup> affirmative defense – that it performed only contractual administrative tasks – confirms these are merits defenses. D.E. 106 at 51. The Court should summarily reject WF’s attempt to resist discovery and its intent to ambush Plaintiff at the hearing with undisclosed merits evidence in defiance of this Court’s rules and orders governing sealed filings. And if WF insists on reaching the merits, it cannot escape the fact that it backdated trustee resignation forms to limit its own liability and expedite insurer approvals—conduct demonstrating its actual knowledge of, and substantial assistance in, the Scheme. Ex. 1; D.E. 53 at 57–58. There is more, but that is for trial.

WF bets this Court will not examine the record. It calls the screenshots duplicative, but the Excel export it offers omits key fields showing documents received and custody tracking. It claims it offered to supplement, yet admits “[e]fforts to pull all fields...were unsuccessful.” Def. Ex. 1, ¶7. It protests that Judge Goodman made no spoliation finding, though the law requires only a preliminary showing supporting his Order. D.E. 135 at 15-17. Having failed to preserve the original interface after subpoenas from the Florida OFR and Receiver – and despite notice from a prior class action related *to this very scheme* – WF now offers deficient spreadsheets. *Id.* at 5-6. WF may not prejudice Plaintiff because of *its* failings. Its factually inapposite cases confirm “the threshold for showing relevance is relatively low,” *Safont*, 2025 WL 2886109, while it studiously avoids Plaintiff’s cases demonstrating her entitlement to relief under similar circumstances.

Dated: October 28, 2025.

Respectfully submitted,

BUCKNER + MILES  
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/s/Seth Miles

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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 28, 2025, on all counsel or parties of record on the Service List below.

/s/ Seth Miles  
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[seth@bucknermiles.com](mailto:seth@bucknermiles.com)

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

# **EXHIBIT 1**

**From:** "Alan Hodge" <Ahodge@centurion-life.com>

**To:** "Paul.M.Fritz@wellsfargo.com" <Paul.M.Fritz@wellsfargo.com>

**Cc:** "Corbin.B.Connell@wellsfargo.com" <Corbin.B.Connell@wellsfargo.com>

**Subject:** Re: Life Share Cases - IMPORTANT

**Date:** Thu, 06 Jun 2013 20:35:57 +0000

**Importance:** Normal

**Inline-Images:** image002.jpg; image001.jpg

---

Thank you Paul.

I will send the fully executed pages as soon as I have them.

Best regards,

T. Alan Hodge Esq.,  
Centurion Insurance Services Group  
Direct: (203) 293 7010  
Cell: (203) 293 5424

Email: [Ahodge@centurion-life.com](mailto:Ahodge@centurion-life.com)

(Member of the State Bar of California; Solicitor of the Superior Courts of England and Wales; Licensed Legal Consultant (New York))

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**From:** <[Paul.M.Fritz@wellsfargo.com](mailto:Paul.M.Fritz@wellsfargo.com)>

**Date:** Thursday, June 6, 2013 4:31 PM

**To:** Terence Hodge <[ahodge@centurion-life.com](mailto:ahodge@centurion-life.com)>

**Cc:** <[Corbin.B.Connell@wellsfargo.com](mailto:Corbin.B.Connell@wellsfargo.com)>

**Subject:** RE: Life Share Cases - IMPORTANT

Alan,

K&L Gates has confirmed the receipt of the wire. Thank you. Please provide us the completed signature pages at your earliest convenience.

**Paul Fritz**

Wells Fargo Bank, N.A.  
7000 Central Parkway NE  
Suite 550  
Atlanta, GA 30328  
phone 770-551-5111 fax 770-551-5118  
[paul.m.fritz@wellsfargo.com](mailto:paul.m.fritz@wellsfargo.com)

---

**From:** Alan Hodge [<mailto:Ahodge@centurion-life.com>]  
**Sent:** Thursday, June 06, 2013 1:34 PM  
**To:** Fritz, Paul M.  
**Cc:** Connell, Corbin B.  
**Subject:** Re: Life Share Cases - IMPORTANT  
**Importance:** High

Paul,

Please see the attached wire confirmation.

Would you please follow up with your attorneys to obtain confirmation of the payment and let me know as soon as possible.

Best regards,

T. Alan Hodge Esq.,  
Centurion Insurance Services Group  
Direct: (203) 293 7010  
Cell: (203) 293 5424

Email: [Ahodge@centurion-life.com](mailto:Ahodge@centurion-life.com)

(Member of the State Bar of California; Solicitor of the Superior Courts of England and Wales; Licensed Legal Consultant (New York))

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---

**From:** <[Paul.M.Fritz@wellsfargo.com](mailto:Paul.M.Fritz@wellsfargo.com)>  
**Date:** Thursday, June 6, 2013 1:20 PM  
**To:** Terence Hodge <[ahodge@centurion-life.com](mailto:ahodge@centurion-life.com)>  
**Cc:** <[Corbin.B.CConnell@wellsfargo.com](mailto:Corbin.B.CConnell@wellsfargo.com)>  
**Subject:** RE: Life Share Cases - IMPORTANT

Alan,

Please see the attached signature pages to be held in escrow per Corbin's email below. Also please find attached the incumbency for Wells Fargo.

Thank you,

**Paul Fritz**  
Wells Fargo Bank, N.A.  
7000 Central Parkway NE  
Suite 550  
Atlanta, GA 30328  
phone 770-551-5111 fax 770-551-5118  
[paul.m.fritz@wellsfargo.com](mailto:paul.m.fritz@wellsfargo.com)

---

**From:** Connell, Corbin B.  
**Sent:** Thursday, June 06, 2013 12:37 PM  
**To:** 'Alan Hodge'

**Cc:** Fritz, Paul M.

**Subject:** RE: Life Share Cases - IMPORTANT

Alan,

We will not object to the documents being made effective as of August 10, 2012. However, we are not comfortable with the process for payment of the legal fees as you have outlined below. This is for a couple of reasons. As an initial matter, for funds to flow through Wells Fargo we would need to set up an internal account solely for such purpose which would result in the formal acceptance of the payor as a Wells Fargo client, the incurrence of an expense for which we would need to charge, and the added delay in finalizing the documents. Also, Wells Fargo is not coming out of pocket and then seeking reimbursement for payment of the legal fees. Rather, as is customary in the marketplace, the third party ultimately responsible for payment of such fees should pay such fees directly to the law firm performing such services. Thus, it necessary that K&L Gates' fees are paid directly to K&L Gates. We believe K&L Gates' wiring instructions are set forth in the invoice provided to you, but should you require any further information please let us know.

As for Wells Fargo's signature pages, we will provide them to you in escrow together with Wells Fargo's standard incumbency certificate setting forth its authorized signers. The signature pages will need to be held in escrow until you receive confirmation from us as to their release, with release being subject to our receiving a copy of The Provident Group Inc.'s counterpart signature pages to the documents, and confirmation from K&L Gates that it has received payment on the invoice previously provided to you.

We trust that the proceeding as outlined above is acceptable.

Kind Regards,

**Corbin B. Connell, CCTS**

Vice President

Wells Fargo Corporate Trust Services

Longevity Group

MAC N9311-161

625 Marquette Ave S. | 16th Floor

Minneapolis, MN 55479

Office: 612.667.4076 | Fax: 866.969.1766

Cell: 612.964.4706

Email: [corbin.b.connell@wellsfargo.com](mailto:corbin.b.connell@wellsfargo.com)

---

**From:** Alan Hodge [<mailto:ahodge@centurion-life.com>]

**Sent:** Wednesday, June 05, 2013 4:14 PM

**To:** Fritz, Paul M.

**Cc:** Connell, Corbin B.

**Subject:** Re: Life Share Cases - IMPORTANT

Paul,

Thank you for this. I do not see any reason why the documents cannot be made effective as of August 10, 2012; they are not being notarized. Moreover, this would seem to be in the bank's interest from a liability perspective.

The only date-sensitive aspect is that whoever executes on behalf of the bank must have been authorized to do so as of August 10, 2012.

On the question of fees, we have agreed to indemnify Wells Fargo and we will submit the payment as soon as we know that the documents have all been executed by the bank.

We still do not have wire instructions and would prefer to make the payment to Wells Fargo directly, which more consistent with an indemnity payment.

Would you please provide me with the bank's wire instructions. We will then set the payment up and as soon as I have evidence that all three documents have been executed (I would need to see the execution pages) and that we have the applicable bank signatory authorization, we will immediately submit the payment and as soon as you have received the payment, you can release the documents to me.

I unequivocally confirm that I would not utilize the executed documents until you have confirmed receipt of the funds and have formally released the documents to me. I would then provide you with the address where the original documents should be sent.

I trust that this is all acceptable and I look forward to hearing from you.

Best regards,

T. Alan Hodge Esq.,  
Centurion Insurance Services Group  
Direct: (203) 293 7010  
Cell: (203) 293 5424  
Email: [Ahodge@centurion-life.com](mailto:Ahodge@centurion-life.com)

(Member of the State Bar of California; Solicitor of the Superior Courts of England and Wales; Licensed Legal Consultant (New York))

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**From:** <[Paul.M.Fritz@wellsfargo.com](mailto:Paul.M.Fritz@wellsfargo.com)>  
**Date:** Wednesday, June 5, 2013 2:13 PM  
**To:** Alan Hodge <[ahodge@centurion-life.com](mailto:ahodge@centurion-life.com)>  
**Cc:** <[Corbin.B.Connell@wellsfargo.com](mailto:Corbin.B.Connell@wellsfargo.com)>  
**Subject:** RE: Life Share Cases - IMPORTANT

Alan,  
Sorry for the delay. Please see the attached invoice from K&L Gates. The team that worked previously on this program moved to K&L a few months ago. The attorneys are not new, just the firm. From the review of the documents the only item found that should be corrected is the date of the deeds. They are all dated August 10<sup>th</sup>, 2012. The date will need to be updated to today's date in order for us to be able to execute them. Once it is confirmed the attached invoice has been paid and the date has been updated we will sign and return the deeds to you.

**Paul Fritz**  
Wells Fargo Bank, N.A.  
7000 Central Parkway NE

Suite 550  
Atlanta, GA 30328  
phone 770-551-5111 fax 770-551-5118  
[paul.m.fritz@wellsfargo.com](mailto:paul.m.fritz@wellsfargo.com)

---

**From:** Alan Hodge [<mailto:Ahodge@centurion-life.com>]  
**Sent:** Wednesday, June 05, 2013 12:15 PM  
**To:** Connell, Corbin B.; Fritz, Paul M.  
**Subject:** FW: Life Share Cases - IMPORTANT  
**Importance:** High

Gentlemen,

I would greatly appreciate a response from you with regard to these three cases. We need to proceed with the Trustee Resignation/Appointment without further delay.

In Paul's email below, he mentions 'final review of the documents...' I would point out that your attorney drafted all three documents and they are already in their approved form. They simply need to be executed by the bank.

I have yet to receive any indication from you as to the identity of your new attorney or the promised wire instructions.

I look forward to hearing from you shortly.

Best regards,

T. Alan Hodge Esq.,  
Centurion Insurance Services Group  
Direct: (203) 293 7010  
Cell: (203) 293 5424

Email: [Ahodge@centurion-life.com](mailto:Ahodge@centurion-life.com)

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---

**From:** <[Corbin.B.Connell@wellsfargo.com](mailto:Corbin.B.Connell@wellsfargo.com)>  
**Date:** Tuesday, May 21, 2013 3:20 PM  
**To:** <[Paul.M.Fritz@wellsfargo.com](mailto:Paul.M.Fritz@wellsfargo.com)>, Terence Hodge <[ahodge@centurion-life.com](mailto:ahodge@centurion-life.com)>  
**Subject:** RE: Life Share Cases - IMPORTANT

Our attorneys, however, have moved to a new firm.  
We can send you the new wire instructions.

Thanks,

Corbin B. Connell, CCTS

Vice President

Wells Fargo Corporate Trust Services  
Longevity Group  
MAC N9311-161  
625Marquette Ave S. | 16th Floor  
Minneapolis, MN 55479  
Office: 612.667.4076 | Fax: 866.969.1766  
Cell: 612.964.4706  
Email: [corbin.b.connell@wellsfargo.com](mailto:corbin.b.connell@wellsfargo.com)

---

**From:** Fritz, Paul M.  
**Sent:** Tuesday, May 21, 2013 2:18 PM  
**To:** Alan Hodge  
**Cc:** Connell, Corbin B.  
**Subject:** RE: Life Share Cases - IMPORTANT

Alan,

Thank you for your email. In the email from Jessica Wiley dated August 7<sup>th</sup> she mentioned the indemnification of \$2000 for all the cases. You may recall that it was discussed that Potters fees in connection with the work done on the 3 cases would be paid by Centurion. Those fees are still outstanding but can confirm that once such fee is paid the final review of the documents you sent can be completed. If everything is satisfactory we will have the documents signed and returned to you along with the incumbency document for the signature. I will forward you an invoice with wire instructions. Thanks,

**Paul Fritz**

Wells Fargo Bank, N.A.  
7000 Central Parkway NE  
Suite 550  
Atlanta, GA 30328  
phone 770-551-5111 fax 770-551-5118  
[paul.m.fritz@wellsfargo.com](mailto:paul.m.fritz@wellsfargo.com)

---

**From:** Alan Hodge [<mailto:Ahodge@centurion-life.com>]  
**Sent:** Monday, May 20, 2013 10:43 AM  
**To:** Fritz, Paul M.  
**Subject:** FW: Life Share Cases - IMPORTANT  
**Importance:** High

Paul,

Please see my email below.

Several of the recipients' email addresses bounced back.

Could you let me know whether this is something that you would be able to deal with.

Best regards,

T. Alan Hodge Esq.,  
Centurion Insurance Services Group  
Direct: (203) 293 7010  
Cell: (203) 293 5424

Email: [Ahodge@centurion-life.com](mailto:Ahodge@centurion-life.com)

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---

**From:** Terence Hodge <[ahodge@centurion-life.com](mailto:ahodge@centurion-life.com)>

**Date:** Friday, May 17, 2013 4:04 PM

**To:** Jessica Willey <[jwilley@potteranderson.com](mailto:jwilley@potteranderson.com)>, 'Brian Schwartz' <[bschwartz@centurion-life.com](mailto:bschwartz@centurion-life.com)>

**Cc:** "[Corbin.B.Connell@wellsfargo.com](mailto:Corbin.B.Connell@wellsfargo.com)" <[Corbin.B.Connell@wellsfargo.com](mailto:Corbin.B.Connell@wellsfargo.com)>, "[Paul.M.Fritz@wellsfargo.com](mailto:Paul.M.Fritz@wellsfargo.com)" <[Paul.M.Fritz@wellsfargo.com](mailto:Paul.M.Fritz@wellsfargo.com)>, "[Edward.L.Trutt@wellsfargo.com](mailto:Edward.L.Trutt@wellsfargo.com)" <[Edward.L.Trutt@wellsfargo.com](mailto:Edward.L.Trutt@wellsfargo.com)>, "Froio, Nicholas I." <[nfroio@potteranderson.com](mailto:nfroio@potteranderson.com)>

**Subject:** Re: Life Share Cases - IMPORTANT

Jessica,

It appears that this matter has been overlooked since we were last in contact.

I am attaching the agreed versions of the resignation documents duly executed by the new trustee.

Please arrange for your clients to execute and please provide me with documentary verification of the signatory's authorization to execute (this will be required by the respective carriers). Please then return each document to me.

I will then arrange for Provident to execute and I will provide you with the fully executed documents in each case.

Please accept my apologies for any inconvenience.

Best regards,

T. Alan Hodge Esq.,  
Centurion Insurance Services Group  
Direct: (203) 293 7010  
Cell: (203) 293 5424

Email: [Ahodge@centurion-life.com](mailto:Ahodge@centurion-life.com)

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---

**From:** "Willey, Jessica M." <[jwilley@Potteranderson.com](mailto:jwilley@Potteranderson.com)>

**Date:** Tuesday, August 7, 2012 12:13 PM

**To:** 'Brian Schwartz' <[bschwartz@centurion-life.com](mailto:bschwartz@centurion-life.com)>

Cc: "Corbin.B.Connell@wellsfargo.com" <Corbin.B.Connell@wellsfargo.com>, "Paul.M.Fritz@wellsfargo.com" <Paul.M.Fritz@wellsfargo.com>, "Edward.L.Truitt@wellsfargo.com" <Edward.L.Truitt@wellsfargo.com>, Terence Hodge <ahodge@centurion-life.com>, "Froio, Nicholas I." <nfroio@potteranderson.com>

**Subject:** RE: Life Share Cases - IMPORTANT

Brian,

When Wells Fargo was first asked to sign the change forms, the issue presented was that the lender was not going to be able to get the trustee removal/appointment letter executed prior to needing the change forms executed. Given that the lender is going to need to sign an instruction letter to have the change forms signed, presumably the lender is then also in a position to sign the trustee removal/appointment letter without there being a timing issue. Please note that Wells Fargo has in previous correspondence noted its concern regarding the lack of indemnification that has been guaranteed to it by the new lender under these transactions (i.e. the \$2,000 limit that was previously discussed). Given the lack of certainty with respect to Wells Fargo's indemnification and that the lender has not delivered a notice of event of default, Wells Fargo is not comfortable assuming any risk that may come from proceeding in the manner and executing these changes forms as requested below. Therefore, as was previously noted in my correspondence from July 10<sup>th</sup>, it is Wells Fargo's desire and intent to move forward with the resignation process and not sign any additional documents on behalf of the trusts.

Regards,

Jessica



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**From:** Brian Schwartz [<mailto:bschwartz@centurion-life.com>]

**Sent:** Thursday, August 02, 2012 3:40 PM

**To:** Willey, Jessica M.

**Cc:** Corbin.B.Connell@wellsfargo.com; Paul.M.Fritz@wellsfargo.com; Edward.L.Truitt@wellsfargo.com; ahodge@centurion-life.com

**Subject:** Life Share Cases - IMPORTANT

**Importance:** High

Jessica,

Thank you for your email. Centurion is within a group of associated companies that includes the Lender. The loans are currently in default. As an alternative to formal foreclosure action, the Lender is prepared to acquire the Policies. To that end the Lender will require the Change Forms to be executed as quickly as possible. For a number of reasons, it is very important that the Cohen and Walters Policies are assigned as quickly as possible without the potential delays at the carrier level that can occur when there is a change of trustee.

We are contact with the Protectors of the Walters and Cohen trusts with regard to this and expect to be in a position to send you the requisite authority shortly.

We will proceed with the Resignation and Appointment of New Trustee in any event.

We anticipate being able to deal with the Yakovakis Policy in the way originally outlined.

I expect to write to you again shortly. In the interim, please feel free to contact me with any questions.

Thank you again for your assistance with this matter.

Best Regards,  
BJS



**Brian J. Schwartz**

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**From:** Willey, Jessica M. [<mailto:jwilley@Potteranderson.com>]

**Sent:** Tuesday, July 10, 2012 12:15 PM

**To:** 'Brian Schwartz'

**Cc:** [Corbin.B.Connell@wellsfargo.com](mailto:Corbin.B.Connell@wellsfargo.com); Froio, Nicholas I.; [Paul.M.Fritz@wellsfargo.com](mailto:Paul.M.Fritz@wellsfargo.com); [Edward.L.Truitt@wellsfargo.com](mailto:Edward.L.Truitt@wellsfargo.com); [ahodge@centurion-life.com](mailto:ahodge@centurion-life.com)

**Subject:** RE: Life Share Cases

Brian,

We are confused as to how Centurion has the authority to include these policies in a portfolio that is being sold. Wells Fargo is not aware of any default having been declared with respect to the loans, nor is it aware of the policies having been foreclosed upon as part of that default or any other event that would give rise to Centurion's having the authority to unilaterally direct the trustee, on behalf of the trusts, to transfer these policies. As such, Wells Fargo is not in a position to take instruction from Centurion with respect to the execution of change forms transferring the policies out of the trusts. That direction would need to come from the protector of each trust, countersigned by the Lender. Given the lack of direction from the protectors with respect to the transfer of these policies, Wells Fargo is not in a position to execute these change forms.

Regards,  
Jessica

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**From:** Brian Schwartz [<mailto:bschwartz@centurion-life.com>]  
**Sent:** Monday, July 09, 2012 6:20 PM  
**To:** Willey, Jessica M.  
**Cc:** [Corbin.B.Connell@wellsfargo.com](mailto:Corbin.B.Connell@wellsfargo.com); Froio, Nicholas I.; [Paul.M.Fritz@wellsfargo.com](mailto:Paul.M.Fritz@wellsfargo.com); [Edward.L.Trutt@wellsfargo.com](mailto:Edward.L.Trutt@wellsfargo.com); [ahodge@centurion-life.com](mailto:ahodge@centurion-life.com)  
**Subject:** Life Share Cases

Jessica,

Thank you for your prompt attention to the resignation and appointment of a new trustee in these three cases. We have some logistical issues in having the Resignation/Appointment Deeds executed by the Lender and the new trustee, primarily with regard to having the documents executed by the Lender in a timely manner. Ordinarily, this would not be a concern for us but we have a pressing need to have change forms executed because these three policies are to form part of a larger portfolio which is the subject of an imminent transaction and the absence of executed change forms on these three policies presents a disproportionately larger issue for us. In the circumstances, would your client be willing to execute the attached change forms immediately. This would allow us to proceed with execution of the Resignation/Appointment Deeds but without the very intense pressure we are facing. I hope you can assist with this.

Best regards,  
BJS



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