

UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF
FLORIDA MIAMI DIVISION

CASE NO. 24-22142-CIV-GAYLES/SHAW-WILDER

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

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

**JOINT MOTION FOR LEAVE TO FILE DISCOVERY MEMORANDA FOR ZOOM
DISCOVERY HEARING REGARDING PLAINTIFF’S REQUESTS FOR DOCUMENTS
RELATING TO DEFENDANT’S AUTOMATED TRANSACTION-MONITORING
ALERTS AND RULES FOR GENERATION OF ALERTS, TO FILE CERTAIN
EXHIBITS UNDER SEAL, AND TO PERMIT CONVENTIONAL FILING OF THUMB
DRIVE UNDER SEAL**

The parties hereby move for leave to file discovery memoranda for the hearing via Zoom set by the Court and duly noticed for **January 16, 2026, at 1:00 p.m.**, to file certain exhibits to the parties’ memoranda under seal, and to permit conventional filing of thumb drive under seal. The parties propose the following schedule: Plaintiff’s initial filing, not to exceed two (2) pages in length, due no later than January 2, 2026; Defendant’s response, not to exceed three (3) pages in length, due no later than January 9, 2026; and Plaintiff’s reply to Defendant’s response, not to exceed one (1) page in length, due no later than January 14, 2026.

As stated in the Notice of Hearing, the issues are (1) whether Defendant has produced all BSA/AML automated transaction-monitoring alerts for approximately 58 Wells Fargo bank accounts during the relevant ten-year period, and (2) whether Defendant must produce documents concerning the rules, parameters, and algorithms governing the generation of such alerts, as well

as Defendant's policies and procedures for retaining those alerts. Defendant objects to production of the rules, parameters, and algorithms on relevance, confidentiality, and burden grounds, and Plaintiff contends that these materials are responsive to Plaintiff's First Requests for Production Nos. 221– 223, 226, 243–254, and 293–295 and are discoverable.

The parties believe that limited briefing will aid the Court in understanding the dispute and the issues. Accordingly, the parties request leave to brief the Court to aid its analysis of this issue prior to the Court's January 16, 2026, scheduled hearing.

In addition, pursuant to the Confidentiality Order entered by the Court [D.E. 97] and the Parties' Confidentiality Stipulation [D.E. 37], material designated as confidential shall be made subject to a request to seal, and all requests to seal shall comply with the Local Civil Rules for the United States District Court for the Southern District of Florida. [D.E. 37 at ¶9.a.; D.E. 97 at ¶9]. The parties anticipate they will attach exhibits to their respective submissions designated confidential pursuant to the Stipulation and Order, and that some of those materials may be in Native format contained on a thumb drive.

A district court may seal documents upon a showing of good cause. *See Romero v. Drummond Co., Inc.*, 480 F.3d 1234, 1246 (11th Cir. 2007) (quotation omitted). "Courts have discretion to determine which portions of the record should be placed under seal." *CRubin, LLC v. Escoriza*, 2020 WL 2542629, at *1 (S.D. Fla. May 19, 2020) (quotation omitted). Here, the parties anticipate various exhibits to their submissions will implicate legitimate privacy interests and should be restricted from public view consistent with applicable legal standards governing sealed filings. Therefore, the parties seek leave to file them under seal after conferring regarding the need to seal specific exhibits, to avoid burdening the Court with multiple expedited filings.

CONCLUSION

WHEREFORE, based on the foregoing, the parties respectfully request the Court permit them to file discovery memoranda in advance of the hearing on this matter in accordance with the schedule proposed herein, to file certain exhibits to the parties' memoranda under seal, and to permit conventional filing of thumb drive under seal.

Dated: December 24, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by CM/ECF on
December 24, 2025, on all counsel or parties of record.

/s/ Peter M. Spett

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Florida Bar No. 0088840

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI AND WEST PALM BEACH DIVISIONS

CASE NOS.: 1:24-cv-22142-DPG

FANNY B. MILLSTEIN and
MARTIN KLEINBART,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

**[PROPOSED] ORDER GRANTING JOINT MOTION FOR LEAVE TO FILE
DISCOVERY MEMORANDA FOR ZOOM DISCOVERY HEARING REGARDING
PLAINTIFF'S REQUESTS FOR DOCUMENTS RELATING TO DEFENDANT'S
AUTOMATED TRANSACTION-MONITORING ALERTS AND RULES FOR
GENERATION OF ALERTS, TO FILE CERTAIN EXHIBITS UNDER SEAL, AND TO
PERMIT CONVENTIONAL FILING OF THUMB DRIVE UNDER SEAL**

THIS CAUSE having come before the Court on the parties' Joint Motion for Leave to File Discovery Memoranda for Zoom Discovery Hearing Regarding Plaintiff's Request for Documents Relating to Defendant's Automated Transaction-Monitoring Alerts and Rules for Generation of Alerts, to File Certain Exhibits Under Seal, and to Permit Conventional Filing of Thumb Drive Under Seal, D.E. __, it is hereby

ORDERED AND ADJUDGED that:

The Motion is GRANTED.

1. Plaintiff's initial filing, not to exceed two (2) pages in length, is due no later than January 2, 2026; Defendant's response, not to exceed three (3) pages in length, is due no later than January 9, 2026; and Plaintiff's reply to Defendant's response, not to exceed one (1) page in length, is due no later than January 14, 2026.
2. The parties shall file any exhibits containing confidential information under seal in the manner provided by the Local Civil Rules for the United States District Court for the Southern District of Florida.
3. The parties may deliver thumb drives to the Clerk's Office, for conventional filing under seal.

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

Honorable Detra Shaw-Wilder

Copies furnished to: All Counsel of Record