

**IN THE UNITED STATES DISTRICT COURT
FOR THE 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.

**PLAINTIFF'S REPLY IN FURTHER SUPPORT OF HER DISCOVERY
MEMORANDUM REGARDING PLAINTIFF'S REQUEST FOR
NON-CENTURION POLICY ACTIONS**

Plaintiff's request encompasses all Policy Actions. *US v. Hastie*, 854 F.3d 1298, 1304 (11th Cir. 2017) (“‘including’ signals a list of examples and not an exclusive definition”). Plaintiff's theory has always been WF knew the Notes were collateralized by life insurance and were not properly secured in part because the Scheme Operators were purchasing STOLIs. D.E. 193. By contrast, Plaintiff understood only that the investment was “about life insurance companies,” and “didn't really know...what [that] meant.” Ex. 1 at 118:2-17. WF therefore possessed critical knowledge about the collateral that Plaintiff and the Class did not – namely, that as STOLIs, the policies were subject to legal challenges that could render them worthless. D.E. 193.

WF's attempt to recast its role as purely ministerial is a merits argument Judge Gayles already rejected and that WF must prove, if at all, at trial. D.E. 135 at 5 (unsuccessfully arguing limited contractual obligations to perform ministerial actions); D.E. 106 at 51 (affirmative defense of administrative role). Nothing in WF's authority suggests that a SI is categorically precluded from acquiring knowledge of or substantially assisting a Ponzi scheme as a matter of fact or law. *Estate of Offit v. U.S. Bank, N.A.*, 2025 WL 3636502, at *4 (D. Minn. Dec. 15, 2025) (plaintiffs “have not pointed to any record evidence that Defendants, as securities intermediaries, performed any function beyond a limited, ministerial role”). WF cannot shield its institutional knowledge from discovery through self-serving employee testimony – especially where those same employees admit knowing what STOLIs are and that they were routinely discussed at industry conferences they attended on WF's behalf. Ex.2 at 77:10-79:11; *Lee v. Graco, Inc.*, 2024 WL 5266750, at *2 (S.D. Fla. Nov. 4, 2024) (“Plaintiff need not take [WF]'s word”); *Medina v. Enhanced Recovery Co., LLC*, 2017 WL 5196093, at *7 (S.D. Fla. Nov. 9, 2017) (“such has never been the rule”). That selling life insurance policies may sometimes be lawful is beside the point. Plaintiff does not seek to relitigate the Policy Actions; she seeks to show that WF knew the collateral purportedly securing the Notes carried legal risks that could render it worthless. *Wells Fargo Bank, N.A. v. Lincoln Nat'l Life Ins. Co.*, 2009 WL 10672596, at *2 (C.D. Cal. Apr. 13, 2009) (“Lincoln alleges...the individual insureds intended to sell their beneficial interests, by way of the Trusts, to third party investors.”).

Plaintiff offered to narrow the scope of her requests. Lit. RFPs emails, Ex.3. WF refused to negotiate that limitation and instead now claims burden – offering estimates only for attorney emails while ignoring other responsive documents. Non-Centurion Policy Actions are directly relevant to what WF knew about the value of the purported collateral, and WF's refusal to confer defeats its manufactured claim of burden. Non-Centurion discovery should be produced.

Dated: January 27, 2026.

Respectfully submitted,

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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 January 27, 2026, 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

FANNY B. MILLSTEIN
MILLSTEIN V. WELLS FARGO BANK, N.A.

June 24, 2025

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 1:24-cv-22142-GAYLES/GOODMAN

FANNY B. MILLSTEIN and
MARTIN KLEINBART,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.

Defendant.

VIDEOTAPED DEPOSITION OF FANNY B. MILLSTEIN

Tuesday, June 24, 2025
10:01 - 4:09 p.m.

3010 North Military Trail
Suite 210
Boca Raton, Florida 33431

Reported By:
Rachel W. Bridge, RMR, CRR
Esquire Deposition Solutions
Job #13083639

FANNY B. MILLSTEIN
MILLSTEIN V. WELLS FARGO BANK, N.A.

June 24, 2025
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1 testimony earlier, about life insurance policies?

2 A. Yes, about Longevity being a good investment.

3 Q. And can you define what your understanding of
4 Longevity is?

5 A. He said it was the name of the company that
6 they were offering and that it was a very good company.

7 Q. Okay. What was your understanding of the
8 business of the company?

9 A. The company does have insurance policies, life
10 insurance policies.

11 Q. Stop for a second. I think you said the
12 company does have life insurance policies?

13 A. He said it was about life insurance companies.

14 Q. Okay. So it was your understanding that they
15 were investing in life insurance companies?

16 A. That's, when he said that, I didn't really
17 know exactly what he meant.

18 Q. Okay. Do you know what a first lien is?

19 A. No.

20 Q. Do you know what a junior lien is?

21 A. No.

22 Q. Did Mr. Lombardo ever discuss with you first
23 liens?

24 A. No.

25 Q. Did Mr. Lombardo ever discuss with you junior

EXHIBIT 2

**(To be filed under seal
pursuant to the Court's
Order D.E. 188)**

EXHIBIT 3

Amelie Escobio

From: Shaw, Jarrod D. <JShaw@mcguirewoods.com>
Sent: Tuesday, December 2, 2025 2:28 PM
To: Elena Marlow
Cc: Rottmann, Emily Y.; Brett E Von Borke; 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 Holtz - Litigation RFPs

Elena,

Thank you, and hopefully you had a nice Thanksgiving as well.

We are qcng the email review now and anticipate that production will go out this week. We have followed up with the relevant parties to the Settlement Agreement to confirm they withdraw the objection to producing the settlement agreement. We requested a response by Friday at the latest.

As to your final point regarding the parameters to the STOLI-related litigation, we are working to search for and produce information related to SH specific policies while they were in a Centurion deal. While even that request is of minimal relevance, we want to avoid going to the Court over the issue. We expect to have additional information for you on the status of that search in the next couple of days.

We disagree that WF's general knowledge regarding litigation within the life settlement industry has any relevance on whether Seeman Holtz was operating a Ponzi scheme. As such, Wells Fargo maintains its objection to your overbroad and irrelevant request.

Jarrod

Jarrod D. Shaw

Partner

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jshaw@mcguirewoods.com

From: Elena Marlow

Sent: Tuesday, December 2, 2025 11:26 AM

To: Shaw, Jarrod D.

Cc: Rottmann, Emily Y. ; Brett E Von Borke ; 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 Holtz - Litigation RFPs

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

Jarrod,

We hope you and all your team had a nice Thanksgiving.

We are following up on the outstanding issues relating to Plaintiff's Fourth RFP. Please let us know when WF anticipates it will complete its review of the emails and make the corresponding production, and the status of withdrawing the confidentiality objection to the Schrank Settlement Agreement.

Also, we have not received a response to our last email regarding the parameters of our request for STOLI-related litigation, which is not limited to policies relating to SH or that were at one time in the Centurion deals. WF's knowledge about the risks associated with STOLIs and the life settlement investment business informed its knowledge of the fraud in this case, and so all STOLI-related litigation is highly relevant. Please let us know if you would like to discuss ways to potentially focus the searches for all STOLI-related litigation.

Thank you,

Elena Marlow
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From: Elena Marlow

Sent: Thursday, November 20, 2025 8:51 AM

To: 'Shaw, Jarrod D.' <JShaw@mcguirewoods.com>

Cc: Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Brett E Von Borke <vonborke@bucknermiles.com>; David M. Buckner <david@bucknermiles.com>; Seth Miles <seth@bucknermiles.com>; jds@sallahlaw.com; Griset, Jill Crawley <JGriset@mcguirewoods.com>; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <NHestin@mcguirewoods.com>; Amelie Escobio <escobio@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>; Haskell, Rick C. <RHaskell@mcguirewoods.com>; Jon Kobrinski <jkobrinski@bucknermiles.com>; Maha Adnan <madnan@bucknermiles.com>; Olshan, Eric G. <eolshan@mcguirewoods.com>; Cuffe, E. Paul <pcuffe@mcguirewoods.com>

Subject: RE: Seeman Holtz - Litigation RFPs

Jarrod,

WF's knowledge of the legal and financial risks associated with STOLIs in general is relevant to its knowledge of the Scheme, and its knowledge of those legal and financial risks derives from, among other things, what it knew from STOLI litigation in general---not just from STOLI litigation relating to policies that were at one time associated with Centurion. That the Scheme at issue here (and our definition) concerns only certain policies is a non-starter. Well Fargo's knowledge about the legal and financial risks associated with STOLIs and the life settlement investment business informed its knowledge about what the Scheme Operators were doing and how they used Wells Fargo's services to perpetrate the fraud. STOLI litigation relating to non-Centurion policies is thus highly relevant. If you think it would be helpful to discuss ways to potentially focus the searches for litigation relating to non-Centurion policies, please let us know.

Thank you,

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From: Shaw, Jarrod D. <JShaw@mcguirewoods.com>
Sent: Tuesday, November 18, 2025 7:49 AM
To: Elena Marlow <emarlow@bucknermiles.com>
Cc: Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Brett E Von Borke <vonborke@bucknermiles.com>; David M. Buckner <david@bucknermiles.com>; Seth Miles <seth@bucknermiles.com>; jds@sallahlaw.com; Griset, Jill Crawley <JGriset@mcguirewoods.com>; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <NHestin@mcguirewoods.com>; Amelie Escobio <escobio@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>; Haskell, Rick C. <RHaskell@mcguirewoods.com>; Jon Kobrinski <jkobrinski@bucknermiles.com>; Maha Adnan <madnan@bucknermiles.com>; Olshan, Eric G. <eolshan@mcguirewoods.com>; Cuffe, E. Paul <pcuffe@mcguirewoods.com>
Subject: RE: Seeman Holtz - Litigation RFPs

Elena:

We want to make sure we understand the position that Plaintiff is taking here. Is it that any policy that Wells Fargo ever had any role with respect to is a life insurance policy? And, therefore, any litigation where STOLI allegations are made is a "Policy Action"? Meaning it doesn't matter the party involved and can have nothing whatsoever to do

with Seeman Holtz/Centurion yet is responsive? If so, we think that is grossly overinclusive and well beyond any tenant of relevancy to this case.

What is relevant is whether and what Wells Fargo knew about the Scheme as that term is defined by Plaintiffs. Based on Plaintiff's own definitions, the Scheme is limited to actions of Centurion/Seeman Holtz and therefore policies in the Centurion deals while they were in those deals, not any policy Wells Fargo may have ever interacted with on behalf of entirely unrelated entities.

Based on this understanding of what is actually at issue here, we are investigating whether we can locate cases alleging STOLI involving Seeman Holtz and/or Centurion policies while those policies were held by Seeman Holtz and/or Centurion.

Let us know if it would be helpful to have a call to discuss.

Thank you,

Jarrold D. Shaw

Partner

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jshaw@mcguirewoods.com

From: Elena Marlow <emarlow@bucknermiles.com>

Sent: Monday, November 17, 2025 2:53 PM

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

Cc: Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Brett E Von Borke <vonborke@bucknermiles.com>; David M. Buckner <david@bucknermiles.com>; Seth Miles <seth@bucknermiles.com>; jds@sallahlaw.com; Griset, Jill Crawley <JGriset@mcguirewoods.com>; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <NHestin@mcguirewoods.com>; Amelie Escobio <escobio@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>; Haskell, Rick C. <RHaskell@mcguirewoods.com>; Jon Kobrinski <jkobrinski@bucknermiles.com>; Maha Adnan <madnan@bucknermiles.com>; Olshan, Eric G. <eolshan@mcguirewoods.com>; Cuffe, E. Paul <pcuffe@mcguirewoods.com>

Subject: RE: Seeman Holtz - Litigation RFPs

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

Jarrold,

Our definition of Policy Action encompasses legal actions “relating to any of the life insurance policies at issue in this case, including those that were at any time owned or controlled by the Scheme Operators, the Para Longevity Companies, or the Centurion companies.” As such, it is not limited to those relating to SH or that were at one time in the Centurion deals. The “life insurance policies at issue in this case” are STOLIs in the possession of Wells Fargo because WF’s knowledge of the legal impropriety of and risks associated with STOLIs is relevant to and probative of its state of mind, which it has repeatedly put at issue. We are not clear on what we can add regarding Wells’ ability to formulate searches within its own litigation-tracking system, but remain willing to continue that discussion to the extent it will advance the issue.

Elena

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From: Shaw, Jarrod D. <JShaw@mcguirewoods.com>
Sent: Monday, November 17, 2025 7:07 AM
To: Elena Marlow <emarlow@bucknermiles.com>
Cc: Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Brett E Von Borke <vonborke@bucknermiles.com>; David M. Buckner <david@bucknermiles.com>; Seth Miles <seth@bucknermiles.com>; jds@sallahlaw.com; Griset, Jill Crawley <JGriset@mcguirewoods.com>; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <NHestin@mcguirewoods.com>; Amelie Escobio <escobio@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>; Haskell, Rick C. <RHaskell@mcguirewoods.com>; Jon Kobrinski <jkobrinski@bucknermiles.com>; Maha Adnan <madnan@bucknermiles.com>; Olshan, Eric G. <eolshan@mcguirewoods.com>; Cuffe, E. Paul <pcuffe@mcguirewoods.com>
Subject: RE: Seeman Holtz - Litigation RFPs

Elena,

We want to be clear. We are investigating whether we can locate cases alleging STOLI involving Seeman Holtz as Policy Action is defined with your modifications. We are not agreeing to search for any STOLI litigation generally. That appears to be what you did with the case you reference, which does not appear to have any relation to Seeman Holtz, Centurion, or even a policy that was ever in one of the Centurion deals. As such, it is not a Policy Action as that term is defined in the requests and your reference to the case found through general google searches doesn't advance this discussion.

Because the case attached is not responsive and we asked plaintiffs to identify any cases it has knowledge of, we assume that Plaintiff is unaware of any cases responsive to the discovery requests and we will continue to discuss with Wells the ability to search its system.

Jarrod

Jarrod D. Shaw
Partner

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From: Elena Marlow <emarlow@bucknermiles.com>
Sent: Friday, November 14, 2025 7:04 PM
To: Shaw, Jarrod D. <JShaw@mcguirewoods.com>
Cc: Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Brett E Von Borke <vonborke@bucknermiles.com>; David M. Buckner <david@bucknermiles.com>; Seth Miles <seth@bucknermiles.com>; jds@sallahlaw.com; Griset, Jill Crawley <JGriset@mcguirewoods.com>; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <NHestin@mcguirewoods.com>; Amelie Escobio <escobio@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>; Haskell, Rick C. <RHaskell@mcguirewoods.com>; Jon Kobrinski <jkobrinski@bucknermiles.com>; Maha Adnan <madnan@bucknermiles.com>; Olshan, Eric G. <eolshan@mcguirewoods.com>; Cuffe, E. Paul <pcuffe@mcguirewoods.com>
Subject: RE: Seeman Holtz - Litigation RFPs

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

Jarrold,

Thank you for the clarification. We appreciate your willingness to attempt to resolve this through a search limited to STOLI-related actions.

Since WF does have a litigation-tracking system, we expect it must be sophisticated and robust enough to locate pertinent information when needed. We were able to locate information in the public domain regarding a STOLI action against WF here in the Southern District (see attached docket). If internet searches can generate such results, there must be a way to generate them from WF's own systems.

We look forward to the updates regarding the results of your searches.

Regards,

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From: Shaw, Jarrod D. <JShaw@mcguirewoods.com>
Sent: Friday, November 14, 2025 3:34 PM
To: Elena Marlow <emarlow@bucknermiles.com>
Cc: Rottmann, Emily Y. <erottmann@mcguirewoods.com>; Brett E Von Borke <vonborke@bucknermiles.com>; David M. Buckner <david@bucknermiles.com>; Seth Miles <seth@bucknermiles.com>; jds@sallahlaw.com; Griset, Jill Crawley <JGriset@mcguirewoods.com>; jak@sallahlaw.com; ssilver@silverlaw.com; rschwamm@silverlaw.com; pspett@silverlaw.com; Hestin, Nellie E. <NHestin@mcguirewoods.com>; Amelie Escobio <escobio@bucknermiles.com>; Alex Llanos <aLlanos@silverlaw.com>; Haskell, Rick C. <RHaskell@mcguirewoods.com>; Jon Kobrinski <jkobrinski@bucknermiles.com>; Maha Adnan <madnan@bucknermiles.com>; Olshan, Eric G. <eolshan@mcguirewoods.com>; Cuffe, E. Paul <pcuffe@mcguirewoods.com>
Subject: Seeman Holtz - Litigation RFPs

Elena,

We are working through the emails and will make the production when it's complete. Likely in next two weeks.

On the Schrank Settlement Agreement, Wells Fargo will agree to withdraw its confidentiality objection. We have started the process of giving notice to the other parties to the agreement as we understand that at least one of them wished to maintain a confidentiality objection separate and apart from Wells Fargo.

As for tracking litigation, pending client confirmation we may be willing to limit the search for litigation related to STOLI-related actions. As for your later statement, it is not correct to say Wells Fargo doesn't track litigation matters. If that is what you understood that is not what we intended. Wells Fargo does track litigation and has a system to do so. The issue is there is no way to search that system for the information you are seeking in the manner in which it was requested. We can't just search for STOLI cases involving STOLI litigation. What we are working to track down is the extent of the search parameters and if it will even result in the information you are seeking as you've agreed to limit the information. CPU does not track that information in LIAP, so as indicated, it does not have policy level tracking. I believe that is where we had the confusion.

Notwithstanding the above, we have searched other information we have access to and the only responsive litigation (arguably) within the parameters you describe is the Schrank litigation. To the extent you have specific litigations that you are aware of please identify those to aid our review.

We will be back shortly with additional updates.

Jarrod

Jarrod D. Shaw

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