

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

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

FANNY B. MILLSTEIN and
MARTIN KLEINBART,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

_____ /

THE PARTIES' JOINT MOTION TO MODIFY SCHEDULING ORDER

The parties, Fanny B. Millstein, on behalf of herself and all others similarly situated (“Plaintiffs”), and Wells Fargo Bank, N.A. (“Defendant” and, collectively with Plaintiff, the “Parties”), by and through their respective counsel, jointly move to modify the Court’s Amended Scheduling Order. As grounds therefore, the Parties state as follows:

1. On August 8, 2024, the Court entered a scheduling order setting the pretrial deadlines and the civil trial date for this case. (ECF No. 24).
2. On January 30, 2025, the Parties filed a Joint Motion to Extend the Scheduling Order Deadlines to extend pretrial deadlines and the civil trial date. (ECF No. 63).
3. On February 4, 2025, the Court granted the extension, and the deadlines were amended accordingly. (ECF No. 73).
4. On July 23, 2025, the Parties filed a Joint Motion to Modify the Scheduling Order seeking another brief extension in pretrial deadlines to allow adequate time for the necessary voluminous discovery to take place. (ECF No. 137).

5. The Court granted the further extension, and on July 30, 2025, entered a Second Amended Scheduling Order briefly extending the pretrial deadlines for this case. (ECF No. 139).

6. On February 9, 2026, the Parties filed another Joint Motion to Modify the Scheduling Order seeking the most efficient path forward by participating in mediation after the close of fact discovery, but before incurring the expense of engaging experts and briefing both class certification and summary judgment. (ECF No. 204).

7. The Court granted the modification, and on February 12, 2026, entered the Third Amended Scheduling Order modifying the pretrial deadlines for this case (the “Scheduling Order”). (ECF No. 205).

8. The Scheduling Order currently provides that fact discovery shall be completed by March 31, 2026.

9. To date, the Parties have conducted 14 depositions, and 9 are currently set for March. Dates for several additional deponents are still being negotiated to allow for the orderly completion of discovery.

10. To permit sufficient time to conduct all necessary depositions of disclosed witnesses without prejudice to either party, the Parties agree that the close of fact discovery must be briefly extended, solely for the purposes of completing the deposition of previously identified individuals.

11. Accordingly, the Parties respectfully request that the Court modify the Scheduling Order and briefly extend the deadline for fact discovery, which will not impact the remainder of the pretrial deadlines.

1.	Fact discovery (written discovery) shall be completed by	3/31/2026
2.	Fact discovery (solely to conduct previously identified depositions) shall be completed by	4/15/2026

12. Modifications to a scheduling order are permitted under Federal Rule of Civil Procedure 16(b)(4) upon a showing of “good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4).

13. This Joint Motion is not filed for purposes of delay or undue cause. Instead, the Parties have jointly determined that modifying the Scheduling Order would benefit both the Parties and the Court and would promote principles of judicial economy by allowing the Parties to bring discovery to an orderly close.

14. Neither Party will be prejudiced by the proposed modifications, and the Parties have been working diligently to complete discovery with 14 depositions already taken.

15. The deadlines that the Parties seek to modify have not yet passed.

16. For these reasons, good cause exists to modify the Scheduling Order. Accordingly, the Parties respectfully request that the Court grant this Motion and modify the Scheduling Order.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)

Pursuant to Local Rule 7.1(a)(3), the undersigned counsel for Plaintiffs and Defendants certify that they have conferred and agree to the relief requested herein.

WHEREFORE, the Parties respectfully request that the Court extend the deadlines and adopt the proposed schedule set forth above and grant such other and further relief as this Court deems just and proper.

Dated: February 25, 2026

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system which will send notice of the electronic filing on February 25, 2026, to all counsel of record listed below:

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**ORDER GRANTING THE PARTIES' JOINT MOTION TO MODIFY
SCHEDULING ORDER**

THIS CAUSE having come before the Court on The Parties' Joint Motion to Modify Scheduling Order, it is ORDERED AND ADJUDGED that:

The Motion is GRANTED. The Parties shall adhere to the following schedule:

1. Fact discovery (written discovery) shall be completed by **3/31/2026**
2. Fact discovery (solely to conduct previously identified depositions) shall be completed by **4/15/2026**

The remainder of the previously entered scheduling order remains in full force and effect. (ECF No. 205).

DONE AND ORDERED in Chambers at Miami, Florida, this ____ day of February, 2026.

Honorable Judge Darrin P. Gayles

Copies furnished to: All Counsel of Record