

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

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

FANNY B. MILLSTEIN,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

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THE PARTIES' JOINT MOTION TO MODIFY SCHEDULING ORDER

The parties, Fanny B. Millstein and Wells Fargo Bank, N.A. (the "Parties"), by and through their respective counsel, jointly move to modify the Court's Second 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 (the “Scheduling Order”). (ECF No. 139).

6. The Scheduling Order currently provides that fact discovery closes March 31, 2026, expert discovery shall be completed by May 14, 2026; a motion for class certification shall be filed by May 22, 2025; dispositive motions shall be filed by July 15, 2026; and mediation shall be completed by July 22, 2026.

7. Over the past several months, the Parties have diligently advanced this case and are now nearing the close of a thorough fact discovery period. Throughout the course of discovery, the parties have taken more than a dozen depositions and issued approximately fifty third-party document subpoenas. Additional depositions are set over the course of the next two months, prior to the close of fact discovery. Wells Fargo has also produced more than 500,000 pages of documents after searching more than thirty different systems and more than forty-five email custodians.

8. The Parties intend to mediate following the close of the extensive fact discovery. In the interest of efficiency, the Parties wish to have sufficient time to mediate before incurring the full expense of expert reports and expert discovery, as well as briefing both class certification and summary judgment.

9. Accordingly, the Parties respectfully request that the Court modify the Scheduling Order and adopt the following revised deadlines:

1.	Fact discovery shall be completed by	03/31/2026
2.	Mediation shall be completed by	05/15/2026
3.	Parties shall disclose experts, expert witness summaries, and reports as required by Fed. R. Civ. P. 26(a)(2) by	07/01/2026

4.	Exchange of rebuttal expert witness summaries and reports as required by Fed. R. Civ. P. 26(a)(2) by	08/03/2026
5.	Expert discovery shall be completed by	09/04/2026
6.	Motion for class certification shall be filed by	09/18/2026
7.	Dispositive motions, including those regarding summary judgment and <i>Daubert</i> , shall be filed by	11/09/2026
8.	All pretrial motions and memoranda of law, including motions <i>in limine</i> , shall be filed by	To be set at a later date
9.	Joint pretrial stipulation, proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law shall be filed by	To be set at a later date

10. 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).

11. 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 pursue resolution of this case at a juncture when the Parties have completed fact discovery, but before expending significant resources on costly expert reports and expert discovery, as well as dispositive briefing.

12. Neither Party will be prejudiced by the proposed modifications.

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

14. 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 Plaintiff 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 9, 2026

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 9, 2026, to all counsel of record listed below:

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