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.
_____/

PLAINTIFF'S UNOPPOSED MOTION FOR ADDITIONAL PAGES FOR CLASS CERTIFICATION MOTION AND THE PARTIES' JOINT MOTION TO MODIFY BRIEFING SCHEDULE, TO FILE BRIEFING AND EXHIBITS UNDER SEAL, AND TO PERMIT CONVENTIONAL FILING OF THUMB DRIVES UNDER SEAL

Plaintiff hereby moves for an additional fifteen (15) pages for her Motion for Class Certification, and the parties hereby jointly move for leave to modify the briefing schedule for that motion, to file the parties' memoranda and exhibits under seal, and to permit conventional filing of thumb drives under seal. The parties propose the following schedule: Plaintiff's initial filing, not to exceed thirty-five (35) pages in length, to be filed September 18, 2026, pursuant to the Court's current deadline; Defendant's response due no later than October 19, 2026; and Plaintiff's reply to Defendant's response due no later than November 9, 2026.

BACKGROUND

This is a putative class action to recover purported losses sustained by the victims of a Ponzi scheme (the "Scheme") that Plaintiff alleges Defendant aided and abetted. The Scheme involved the sale of certain promissory notes purportedly secured by life insurance policies issued to third parties. Plaintiff's claims relate to Defendant's provision of banking services in its role as

Depository Bank for dozens of accounts, as well as its provision of corporate trust services in its role as Trustee for certain irrevocable life insurance trusts ("ILITs") and Securities Intermediary for the policies Plaintiff alleges were part of the Scheme. Defendant disputes that Plaintiff has a valid claim. Pursuant to the Court's Third Amened Scheduling Order, Plaintiff's Motion for Class Certification is due to be filed on September 18, 2026 [D.E. 205].

Discovery in the case has been extensive. The parties have successfully conducted the depositions of over twenty (20) fact witnesses, resulting in thousands of pages of testimony with hundreds of exhibits. Millions of pages of documents have been produced by the parties, the Receiver in a related action, the Florida Office of Financial Regulation, and in response to dozens of subpoenas issued to third parties. The resulting factual record is thus equally extensive and cannot be sufficiently addressed within the page limits permitted by this Court's Local Rules for Plaintiff's Motion for Class Certification. Accordingly, Plaintiff requests an additional fifteen (15) pages for her initial Motion, for a total of thirty-five (35) pages, which Defendant does not oppose.[1]

Further, due to the magnitude of Plaintiff's anticipated Motion for Class Certification, Defendant's response and Plaintiff's reply cannot be completed within the times allotted by this Court' Local Rules. Therefore, although Plaintiff's initial Motion will be filed on or before the September 18, 2026, deadline as required by the Court's Third Amended Scheduling Order, the parties jointly request that the Court grant them each a brief enlargement of time for their respective, subsequent memoranda, as follows: Defendant's response due no later than October 19, 2026; and Plaintiff's reply to Defendant's response due no later than November 9, 2026.

[1] The parties have agreed to confer in good faith regarding the appropriate number of additional pages for Defendant's response and Plaintiff's reply once Plaintiff files her Motion for Class Certification, and anticipate filing a joint motion for additional pages for those filings thereafter.

Finally, 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 Rules for the United States District Court for the Southern District of Florida. [D.E. 37 at ¶9.a.; D.E. 97 at ¶9]. Wells Fargo has designated the bulk of the discovery material confidential and it is not reasonably segregable. Therefore, the parties request leave to file their memoranda and any confidential exhibits under seal. Further, the parties anticipate that some of the appended materials will likely be in Native format, and request leave to also file the thumb drives necessary to submit any such materials under seal.

ARGUMENT

It is well settled that a district court has broad "discretion to control its docket." *Moses H. Cone Memorial Hosp. v. Mercury Const. Corp.*, 460 U.S. 1, 21 n. 23 (1983); *see also Equity Lifestyle Properties, Inc. v. Florida Mowing and Landscape Serv., Inc.*, 556 F.3d 1232, 1240 (11th Cir. 2009) (a "district court has inherent authority to manage its own docket"). This discretion includes the authority to enlarge the number of pages for a motion and its memorandum of law. *See Scheer v. City of Miami*, 15 F. Supp. 2d 1338, 1345 (S.D. Fla. 1998) (granting motions to enlarge page limitations for memoranda of law); *Eastman Kodak Co. v. Kalvin*, 978 F. Supp. 1078, 1095 (S.D. Fla. 1997) (same). Further, "there is a strong policy of determining cases on their merits," *In re Worldwide Web Sys., Inc.*, 328 F.3d 1291, 1295 (11th Cir. 2003), and "[t]he onus is upon the parties to formulate arguments." *Tymar Distribution LLC v. Mitchell Group USA, LLC*, 558 F. Supp. 3d 1275, 1289 n.7 (S.D. Fla. 2021). Here, due to the voluminous nature of the discovery and the factual record, Plaintiff requires an additional fifteen (15) pages to effectively

present her Motion for Class Certification, for a total of thirty-five (35) pages. Therefore, the additional pages Plaintiff requests, which Defendant does not oppose, are warranted.

In addition, district courts have "broad discretion over the management of pre-trial activities, including discovery and scheduling." *Johnson v. Bd. of Regents of Univ. of Georgia*, 263 F.3d 1234, 1269 (11th Cir. 2001). That includes the discretion to determine whether to grant enlargements of time within which to act, such as within which to submit responsive materials. *See Osahar v. U.S. Postal Serv.*, 136 Fed. Appx. 259, 261 (11th Cir. 2005) ("we can perceive no abuse of discretion in the district court's grant of the…motion to expand [the] response time"); *Platypus Wear, Inc. v. Caldas*, 2007 WL 778976, at *2 (S.D. Fla. Mar. 9, 2007) (granting agreed motion to enlarge response time). Such enlargements are permitted under Federal Rule of Civil Procedure 6(b)(1)(A) upon a showing of good cause. Fed. R. Civ. P. 6(b)(1)(A). "To establish good cause, the party seeking the extension must establish that the schedule could not be met despite the party's diligence." *Ashmore v. Sec'y, Dept. of Transp.*, 503 Fed. Appx. 683, 685 (11th Cir. 2013); *see also Watts v. Club Madonna, Inc.*, 784 Fed. Appx. 684, 687 (11th Cir. 2019). Here, despite the parties' diligent efforts, Defendant's response to Plaintiff's Motion for Class Certification and Plaintiff's reply to Defendant's response cannot be completed within the times allotted by this Court' Local Rules. Therefore, good cause exists for the brief enlargements of time requested for each submission.

Finally, 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. Escoriaza*, 2020 WL 2542629, at *1 (S.D. Fla. May 19, 2020) (quotation omitted). Here, the parties' submissions and exhibits thereto (some of which the parties anticipate will be in Native

format and submitted on thumb drives) will implicate non-segregable, 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 do so, to avoid burdening the Court with multiple expedited filings.

CONCLUSION

WHEREFORE, based on the foregoing, Plaintiff respectfully requests an additional fifteen (15) pages for her Motion for Class Certification, and the parties hereby jointly request leave to modify the briefing schedule for Plaintiff's Motion for Class Certification as set forth herein, to file the parties' memoranda and exhibits under seal, and to permit conventional filing of thumb drives under seal.

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the movant has conferred with all parties or non-parties who may be affected by the relief sought in this motion and Defendants do not oppose the relief sought in the motion.

Dated: August 7, 2026.

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 August 7, 2026, on all counsel or parties of record on the Service List below.

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