

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THOMAS W. MCNAMARA, as the
Court-Appointed Receiver for Triangle
Media Corporation; Apex Capital Group,
LLC; and their successors, assigns,
affiliates, and subsidiaries,

Plaintiff,

v.

WELLS FARGO & COMPANY, a
corporation, and WELLS FARGO BANK,
N.A., a national banking association,

Defendants.

JOHN MCCRANER, SHARON
STIANSEN, JANET POLLARD,
MICHAEL DARLINGTON, SUSAN R.
LANDREAU, and JOHN N. TUFFIELD
individually and on behalf of all similarly
situate,

Plaintiffs,

v.

WELLS FARGO & COMPANY, a
corporation, and WELLS FARGO BANK,
N.A., a national banking association,

Defendants.

Case Nos.: 21-CV-1245 TWR (DDL),
21-CV-1246 TWR (DLL), 23-CV-1259
TWR (DLL), 23-CV-1688 TWR (DLL)

**ORDER (1) CLOSING CASE NOS.
23-CV-1259 AND 23-CV-1688;
(2) GRANTING MCNAMARA'S
MOTION TO AMEND COMPLAINT
AND DEFENDANT'S MOTIONS TO
CONSOLIDATE;
(3) CONSOLIDATING CASE NOS.
21-CV-1245 AND 21-CV-1246 FOR
ALL PRE-TRIAL PURPOSES;
(4) DENYING WITHOUT
PREJUDICE AND/OR AS MOOT
ALL PENDING MOTIONS EXCEPT
FOR MCNAMARA'S MOTION FOR
SANCTIONS AND ATTENDANT
MOTION TO SEAL; AND
(5) VACATING ALL DATES
EXCEPT (a) MCNAMARA'S
JANUARY 12, 2024 DEADLINE TO
FILE HIS SANCTIONS REPLY;
AND (b) THE JANUARY 22, 2024
MANDATORY SETTLEMENT
CONFERENCE AND RELATED
DATES BEFORE MAGISTRATE
JUDGE DAVID D. LESHNER**

(21-CV-1245 ECF Nos. 99, 114, 185,
188, 190, 191, 193, 198, 199, 201, 203,
205, 212, 215; 21-CV-1246 ECF Nos. 46,
87)

On December 18, 2023, the following related cases were transferred from the docket of the Honorable Larry Alan Burns to the undersigned: (1) *FTC v. Triangle Media Corp. et al.*, No. 18-CV-1388 (S.D. Cal. filed June 25, 2018); (2) *McNamara v. Wells Fargo & Co. et al.*, No. 21-CV-1245 (S.D. Cal. filed July 8, 2021) (“*McNamara*”); (3) *McCraner v. Wells Fargo & Co. et al.*, No. 21-CV-1246 (S.D. Cal. filed July 9, 2021) (“*McCraner*”); (4) *McNamara v. Wells Fargo & Co. et al. ex rel. Sotoodeh*, No. 23-CV-1259 (S.D. Cal. filed July 7, 2023); and (5) *McNamara v. Wells Fargo & Co. et al. ex rel. Perry*, No. 23-CV-1688 (S.D. Cal. filed Sept. 13, 2023). The Court therefore held a Status Hearing on January 4, 2024, to address outstanding motions and administrative issues. (*See McNamara* ECF No. 219; *McCraner* ECF No. 89.) To memorialize the various matters discussed at the Status Hearing and additional outstanding administrative issues, the Court **HEREBY**:

(1) **CLOSES** Case Nos. 23-CV-1259 and 23-CV-1688;

(2) **GRANTS** McNamara’s pending Motion for Leave to Amend Complaint (*McNamara* ECF No. 99). Accordingly, McNamara **SHALL FILE** his proposed First Amended Complaint, previously filed at *McNamara* ECF No. 99-2, within three (3) court days of the electronic docketing of this Order, and Defendants **SHALL ANSWER** the First Amended Complaint in accordance with Federal Rule of Civil Procedure 15(a)(3);

(3) **GRANTS** Defendants’ pending Motions to Consolidate for All Pre-Trial Proceedings (*McNamara* ECF No. 114; *McCraner* ECF No. 46). The Court therefore **CONSOLIDATES** Case Nos. 21-CV-1245 and 21-CV-1246 for all pre-trial purposes only and **DESIGNATES** Case No. 21-CV-1245 as the lead case. *From this point forward, all motions shall be filed in the McNamara matter*;

(4) **DENIES WITHOUT PREJUDICE AND/OR AS MOOT** the following motions:

(a) Defendants’ Motion for Summary Judgment or Partial Summary Judgment (*McNamara* ECF No. 188) and attendant motion to seal (*McNamara* ECF No. 185);

1 (b) Defendants' Motion to Exclude Any Testimony or Evidence by FTC
2 Investigators (*McNamara* ECF No. 193);

3 (c) Defendants' Motion to Exclude the Testimony of Michael Carey
4 (*McNamara* ECF No. 198);

5 (d) Defendants' Motion to Exclude the Testimony of Jennifer Faulkner
6 (*McNamara* ECF No. 201) and attendant motion to seal (*McNamara* ECF No. 199);

7 (e) Defendants' Motion to Exclude the Testimony of Steven D. Lindsey
8 (*McNamara* ECF No. 205) and attendant motion to seal (*McNamara* ECF No. 203);

9 (f) McNamara's Motion to Seal Portions of Opposition to Motion for
10 Summary Judgment, Statement of Facts, and Related Exhibits (*McNamara* ECF No.
11 212);

12 (g) Defendants' *Ex Parte* Application for an Order Permitting Additional
13 Pages (*McNamara* ECF No. 215); and

14 (h) the Parties' Joint Motion to Modify Scheduling Order and Set Briefing
15 Schedule (*McCraner* ECF No. 87).

16 *For the avoidance of any doubt, the only motions that remain pending at this time in*
17 *either of these consolidated cases are McNamara's Motion for Issue Sanctions Against*
18 *Defendants (McNamara ECF No. 190) and the attendant motion to seal (McNamara ECF*
19 *No. 191); and*

20 (5) **VACATES** all pending dates and deadlines with the exception of:

21 (a) McNamara's January 12, 2024 deadline to file a reply in support of his
22 Motion for Issue Sanctions Against Defendants, (*see McNamara* ECF No. 184 at 2);
23 and

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1 (b) the Mandatory Settlement Conference and all related dates pending
2 before the Honorable David D. Leshner, (*see McNamara* ECF No. 207).

3 **IT IS SO ORDERED.**

4 Dated: January 4, 2024

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6 Honorable Todd W. Robinson
7 United States District Judge
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