

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

COUNTY OF COOK,	)	
	)	Case No. 1:14-cv-09548
Plaintiff,	)	
	)	Hon. Gary Feinerman
v.	)	
WELLS FARGO & CO., et al.	)	
	)	
Defendants.	)	

**PLAINTIFF’S MOTION TO CLARIFY THE COURT’S MAY 6,  
2021 ORDER (DKT No. 532)**

Plaintiff County of Cook (“Plaintiff” or “County”) respectfully requests that this Honorable Court provide clarification of its May 6, 2021 Order (“Order”). In support of this motion (“Motion”), Plaintiff states as follows:

1. On May 5, 2021, the Court held a status conference during which it considered, among other things, the County’s request to depose certain current and former Wells Fargo employees.

2. The Court granted the request in part and denied it in part, allowing the County to depose four of the proposed witnesses, but the Court did not rule on the County’s request to be permitted to depose a marketing witness who had not yet been identified. In the Order, the Court stated: “Because Wells Fargo’s rolling document production was completed only recently, it is understandable that the County took some time to identify some of the former Wells Fargo employees it would now like to depose.” Order at 3.

3. During the month of April, Wells Fargo produced over 6,000 documents that relate to its pre-2009 marketing efforts in accordance with the Court’s March 17, 2021 ruling from the bench,

granting the County's motion to compel these documents. (Dkt. No. 482.) Prior to these productions, Wells Fargo had not produced the documents of *any* marketing custodian.

4. The County informed the Court prior to the May 5, 2021 status conference that it was seeking to depose two marketing witnesses, in addition to the five former Wells Fargo employees already identified. (Dkt. No. 530, at 4.) The Court's Order only addresses the five identified former Wells Fargo witnesses, however, and does not address the County's request to depose additional *marketing* witnesses.

5. The County requests that the Court permit it to depose one marketing custodian. Although the County identified a number of relevant witnesses during its review of the marketing documents produced in April, the County is requesting only the deposition of Louisa Stack, VP Marketing, 2001-2005; VP, Market Research, 2005-2011. Ms. Stack's name appears on very few documents produced prior to April 2021, so it was only after the review of the marketing documents produced in April that the County was able to identify Ms. Stack as an appropriate witness.

6. Wells Fargo objects to the County's request, citing the Court's January 6, 2021 Order setting May 3, 2021 as the fact discovery deadline. (Dkt. No. 462.)

7. Because the Court did not specifically address whether the County would be allowed to depose any additional witness relating to the late-produced marketing documents, the County seeks clarification from the Court.

8. The County should not be prejudiced by Wells Fargo's delay in producing documents from a marketing custodian, which production was not completed until the evening of April 26, 2021, just a week prior to the end of fact discovery.

9. The County is prepared to move forward expeditiously if permitted to take Ms. Stack's deposition.

**CONCLUSION**

**WHEREFORE**, the County respectfully requests that this Court clarify its May 6, 2021 Order with respect to the narrow issue of whether the County may take the deposition of one pre-2009 marketing witness.

Dated: May 22, 2021

Respectfully submitted,

By: /s/ Leigh Smith

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the Foregoing Plaintiff's Motion to Clarify the Court's May 6, 2021 Order (Dkt No. 532) with the Clerk of Court for the United States District Court of the Northern District of Illinois by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: May 22, 2021

By: /s/ Leigh Smith  
Leigh Smith