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May 10, 2024

Judge John M. Gallagher
United States District Court for the
Eastern District of Pennsylvania
Edward N. Cahn Courthouse & Federal Bldg.
504 W. Hamilton Street, Suite 4701
Allentown, Pennsylvania 18101

Re: *Marshall v. Prestamos CDFI, LLC*, No. 5:21-cv-04337-JMG (E.D. Pa.)

Dear Judge Gallagher:

Pursuant to the Court's Order of May 1, 2024 (ECF No. 105), Plaintiffs submit the following outline of all completed, outstanding, and anticipated discovery requests served or to be served by Plaintiffs.

I. Requests for Production of Documents

A. Plaintiffs' First Set of Requests to Prestamos (issued November 16, 2021)

Plaintiffs issued these requests shortly after filing the initial complaint. Prestamos substantially refused to respond while its motion to dismiss was pending. Plaintiffs substantially narrowed the scope of the requests over the course of several meet-and-confers. Plaintiffs tentatively believe that Prestamos' response is complete, but cannot be certain of that absent deposing Prestamos' witnesses, who may disclose the existence of additional responsive documents.

B. Plaintiffs' First Set of Requests to Chicanos Por La Causa ("CPLC") (issued June 14, 2023)

Plaintiffs issued these requests in the course of jurisdictional discovery. As jurisdictional discovery has long been completed and the Court dismissed CPLC on grounds of jurisdiction, any issues relating to CPLC's response are likely moot.

C. Plaintiffs' First Set of Requests to Prestamos in *Drevnak* case (issued October 18, 2023)

Plaintiffs issued these requests primarily for the purpose of seeking documents regarding the *Drevnak* plaintiffs equivalent to those that Plaintiffs sought with respect to the original *Marshall* plaintiffs. Plaintiffs again substantially narrowed the scope of the requests, primarily to

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accelerate Prestamos's production of materials relevant to class certification. Prestamos produced documents after business hours on May 9, 2024. Plaintiffs are in the process of uploading those documents for review.

D. Plaintiffs' Second Set of Requests to Prestamos (issued November 27, 2023)

Plaintiffs issued these requests primarily for the purpose of seeking additional details regarding Plaintiffs in both this action and the *Drevnak* action. Prestamos produced documents after business hours on May 9, 2024. Plaintiffs are in the process of uploading those documents for review.

II. Interrogatories

A. Plaintiffs' First Set of Interrogatories to Prestamos (issued November 16, 2021)

Plaintiffs issued these interrogatories shortly after filing the initial complaint. Prestamos responded on January 19, 2022. Plaintiffs tentatively believe that Prestamos' response is complete, but cannot be certain of that absent deposing Prestamos' witnesses, who may disclose the existence of additional responsive information.

B. Plaintiffs' First Set of Interrogatories to CPLC (issued June 14, 2023)

Plaintiffs issued these interrogatories in the course of jurisdictional discovery. As jurisdictional discovery has long been completed and the Court dismissed CPLC on grounds of jurisdiction, any issues relating to CPLC's response are likely moot.

C. Plaintiffs' Second Set of Interrogatories to Prestamos (issued November 30, 2023)

Prestamos responded to this short set of interrogatories on January 19, 2024. Plaintiffs tentatively believe that Prestamos' response is complete, but cannot be certain of that absent deposing Prestamos' witnesses, who may disclose the existence of additional responsive information.

III. Depositions

A. Jurisdictional Witnesses

On August 31, 2023, Plaintiffs issued notices of deposition pursuant to Fed. R. Civ. P. 30(b)(6) to both Prestamos and CPLC regarding jurisdiction over CPLC. Those depositions were held the following month, and Plaintiffs took two depositions.

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B. Prestamos Witnesses

On May 6, 2024, Plaintiffs noticed the depositions of three Prestamos witnesses (David Castillo, Alicia Nunez, and Jose Martinez) for June 2024. The parties have scheduled a conference to discuss logistics for all depositions.

IV. Requests for Admissions

A. Plaintiffs' First Set of Requests for Admissions to Prestamos (issued April 5, 2023)

Prestamos responded to these requests for admissions on May 10, 2023. Plaintiffs tentatively believe that Prestamos' response is complete, but cannot be certain of that absent deposing Prestamos' witnesses, who may disclose the existence of additional responsive information.

B. Plaintiffs' First Set of Requests for Admissions to CPLC (issued June 14, 2023)

Plaintiffs issued these requests for admissions in the course of jurisdictional discovery. As jurisdictional discovery has long been completed and the Court dismissed CPLC on grounds of jurisdiction, any issues relating to CPLC's response are likely moot.

V. Non-Party Discovery

A. Plaintiffs' Subpoena to CPLC (served February 16, 2022)

CPLC substantially refused to respond to Plaintiffs' subpoena. Plaintiffs subsequently added CPLC as a defendant, and CPLC responded to party discovery.

B. Plaintiffs' Subpoena to Evolve Bank (served May 1, 2024)

Evolve Bank was the bank that Prestamos used to disburse Paycheck Protection Program ("PPP") loan proceeds. This subpoena seeks documents related to Prestamos' purported funding of Plaintiffs' loans. Evolve's response is due May 24, 2024.

Plaintiffs presently do not anticipate serving additional discovery concerning class certification other than one or more notices of depositions of Prestamos' expert(s) prior to the June 28, 2024 deadline for class certification discovery. *See* Scheduling Ord. (ECF No. 102) ¶ 4. Plaintiffs also intend to issue additional deposition notices to present and former CPLC/Prestamos employee fact witnesses as part of merits discovery. Plaintiffs may also issue additional written party and non-party merits discovery going forward, and will assess their need for additional merits discovery on an ongoing basis.

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Respectfully submitted,

/s/ Lawrence J. Lederer

Lawrence J. Lederer

cc: All ECF Recipients

Certificate of Service

I, Lawrence J. Lederer, hereby certify that, on this 10th day of May 2024, I caused a copy of the forgoing to be served via the Court's ECF system on all parties of record.

/s/Lawrence J. Lederer

Lawrence J. Lederer