IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

FEDERAL RESERVE BANK OF SAN FRANCISCO, Plaintiff, v. **BENWORTH CAPITAL PARTNERS PR, LLC; BENWORTH CAPITAL PARTNERS, LLC; BERNARDO NAVARRO and CLAUDIA NAVARRO,** Defendants.	Civil No. 23-01034 (GMM)

JOINT MOTION REQUESTING MODIFICATION OF THE CASE MANAGEMENT ORDER

COME NOW Plaintiff Federal Reserve Bank of San Francisco (the "Reserve Bank") and Defendants Benworth Capital Partners PR LLC ("Benworth PR"), Benworth Capital Partners LLC ("Benworth FL"), Bernardo Navarro ("Mr. Navarro"), and Claudia Navarro (together with Mr. Navarro, the "Navarros"; collectively, "Defendants"; together with the Reserve Bank, the "Parties") by and through undersigned counsel, and respectfully request that this Court modify the operative court deadlines for the following reasons:

1. On September 3, 2024, the Court issued a *Case Management Order* (ECF No. 161, the "CMO"), establishing the pretrial schedule for this matter.

2. On October 30, 2024, the Parties filed a *Joint Status Report* (ECF No. 178), requesting the Court's approval to extend the deadlines in the CMO for (i) substantial completion of document discovery and (ii) responses to Defendants' document requests, in light of delays in the discovery process. On October 31, 2024, the Court issued an *Amended Case Management Order* (ECF No. 179, the "Amended CMO").

3. On December 2, 2024, the Parties filed another *Joint Status Report* (ECF No. 181) highlighting concerns about the ongoing discovery process, including Plaintiff's concern that Defendants were not on track to meet the discovery deadlines in the Amended CMO.

4. On December 16, 2024, the Court held a *Status Conference* to address the Parties' concerns. *See* ECF No. 190.

5. On December 17, 2024, in light of the matters discussed at the *Status Conference* and in the *Joint Status Report* (ECF No. 181), the Court issued a further *Amended Case Management Order* (ECF No. 191, the "Second Amended CMO") further adjusting the operative discovery deadlines.

6. At this time, despite the Parties' efforts to stay on schedule, including through regular correspondence and meet and confers, several key discovery issues remain unresolved. The Parties are still in the process of negotiating the scope of supplemental productions that may materially impact the state of the record, including with respect to supplemental search terms and the production of non-email documents, including Defendants' accounting documents. A schedule that requires the completion of fact discovery while these key issues remain unresolved risks prejudicing the Parties.

7. The Parties also note that Plaintiff's two *Motions to Compel* discovery from Defendants relating to (i) entities owned or controlled by the Navarros (ECF Nos. 182, 188), and (ii) accounting data from Defendants' QuickBooks database (ECF No. 200) remain pending before the Court, as well as Defendants' *Motion to Dismiss the Federal Reserve's Complaint and Complaint in Intervention* (ECF No. 169), the resolution of which may further impact the contours of discovery.

8. In light of these ongoing issues, the Parties have conferred and agreed to jointly propose further modifications to the Second Amended CMO that will accommodate the complexities and uncertainties related to the unresolved discovery matters. The jointly proposed modifications are as follows:

Event	**Current Deadline**	**Proposed Deadline**
Substantial completion of document discovery	**January 31, 2025**	**N/A**
Completion of fact discovery	**March 7, 2025**	**May 9, 2025**
Deadline for Parties to disclose experts and expert witness summaries as required by Fed. R. Civ. P. 26(a)(2)	**March 17, 2025**	**June 16, 2025**
Deadline for Parties to disclose expert reports as required by Fed. R. Civ. P. 26(a)(2)(B)	**April 28, 2025**	**July 28, 2025**
Deadline for Parties to submit rebuttal expert reports	**May 28, 2025**	**August 26, 2025**
Conclusion of all discovery	**June 16, 2025**	**September 15, 2025**
Deadline to file dispositive motions	**July 16, 2025**	**October 14, 2025**
Deadline to file oppositions to dispositive motions	**July 31, 2025**	**October 29, 2025**

9. The requested modifications are necessary due to the factors discussed above, which justify additional time to ensure a fair and thorough discovery process. Additionally, the requested extensions align with previous modifications approved by the Court and are intended to facilitate a more efficient and orderly discovery process.

10. First, the proposed extension to the deadline for completion of fact discovery (by 63 days, from March 7, 2025 to May 9, 2025) is not intended to enlarge the amount of time that the Parties are given for fact discovery, but rather to mirror the extension to the deadline for substantial completion of document discovery previously approved by this Court. *See* CMO

(setting initial deadline for substantial completion of document discovery at November 29, 2024); Second Amended CMO (extending deadline for substantial completion of document discovery to January 31, 2025, a total of 63 days).

11. Second, because expert disclosures and reports rely on the completion of fact discovery, the proposed 90-day extensions to the expert deadlines (and corresponding 90-day extensions to the subsequent deadlines) are necessary to allow for accurate and comprehensive expert evaluations.

12. Furthermore, the extension of the deadlines will not prejudice any Party, as these modifications are being jointly proposed in the interest of fairness and judicial economy.

13. For these reasons, the Parties respectfully request that the Court grants this joint motion and, accordingly, enters an order modifying the Second Amended CMO.

Respectfully submitted in San Juan, Puerto Rico on March 4, 2025.

O'NEILL & BORGES LLC
250 Muñoz Rivera Ave., Ste. 800
San Juan, PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944

s/*Antonio L. Roig Lorenzo*
Antonio L. Roig Lorenzo
antonio.roig@oneillborges.com
USDC-PR No. 207712

s/ *Salvador J. Antonetti Stutts*
Salvador J. Antonetti Stutts
salvador.antonetti@oneillborges.com
USDC-PR No. 215002

s/ *Ubaldo M. Fernández Barrera*
Ubaldo M. Fernández Barrera
ubaldo.fernandez@oneillborges.com
USDC-PR No. 224807

s/ *Aníbal A. Román Medina*
Aníbal A. Román Medina
anibal.roman@oneillborges.com
USDC-PR No. 308410

FERRAIUOLI LLC
PO Box 195168
San Juan, PR 00919-5168
(787) 766-7000
(787) 766-7001

s/Roberto A. Cámara Fuertes
Roberto A. Cámara Fuertes
USDC-PR 219002
Jaime A. Torrens-Davila
Monica Del Pilar Ramos-Benitez
rcamara@ferraiuoli.com
jtorrens@ferraiuoli.com
mramos@ferraiuoli.com

CLEARY GOTTLIEB STEEN & HAMILTON LLP

Thomas S. Kessler (admitted *pro hac vice*)
One Liberty Plaza
New York, New York 10006
(212) 225-2000
tkessler@cgsh.com

Attorneys for the Federal Reserve Bank of San Francisco

KOZYAK TROPIN & THROCKMORTON

Dwayne Robinson
Michael R. Lorigas
Rasheed K. Nader
2525 Ponce de Leon Boulevard, 9th Fl.
Miami, Florida 33134
(305) 372-1800
drobinson@kttlaw.com
mlorigas@kttlaw.com
rnader@kttlaw.com

Attorneys for Benworth Capital Partners LLC and Bernardo Navarro

CASELLAS ALCOVER & BURGOS, P.S.C.

s/Carla S. Loubriel
Carla S. Loubriel
USDC-PR 227509
Ricardo F. Casellas
USDC-PR 203114
208 Ponce de Leon Ave.
Popular Center Bldg. Suite 1400
Hato Rey, PR 00918
(787) 756-1400
cloubriel@cabprlaw.com
rcasellas@cabprlaw.com

Attorneys for Defendants Benworth Capital Partners PR LLC and Claudia Navarro

CERTIFICATE OF SERVICE

I certify that on March 4, 2025, I filed a copy of the foregoing document using the Court's CM/ECF system, which will automatically generate a Notice of Electronic Filing to all counsel of record in this matter.

s/Ubaldo M. Fernández Barrera
Ubaldo M. Fernández Barrera