



Issue Date: 22 June 2022

In the Matter of:

ABDERRAZAK BARI,

Complainant,

v.

WELLS FARGO BANK, N.A.,

Respondent.

Case No. 2019-CFP-00006

ORDER GRANTING RESPONDENT’S MOTION TO DISMISS

This matter arises under the Consumer Financial Protection Act of 2010 (“CFPA”), Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C. § 5567, as amended. Applicable regulations are set forth at 29 C.F.R. Part 1985 and 20 C.F.R. Part 24.

On June 22, 2021, the undersigned issued a scheduling order outlining various deadlines. Initially, Complainant requested, and was granted, a five-month extension of deadlines. Subsequently, the parties proceeded with the case, and commenced with discovery.

On June 3, 2022, Employer filed a Motion of Wells Fargo Bank to Compel Deposition of Complainant or, in the alternative, to Dismiss the Complaint (“Motion”). In that Motion, Respondent stated that Complainant had not complied with my April 29, 2022 Order granting Respondent’s Motion to Compel, which directed Complainant to provide Respondent six dates between May 10, 2022 and June 15, 2022 where he could complete a deposition in person. In support of the Motion, Respondent included several email communications where Complainant has not responded to the last four emails sent to schedule the deposition. Respondent requested another order

compelling Complainant to complete his deposition or for an order dismissing the case, relying on 29 CFR §18.57(b).

After considering the merits of Respondent's Motion, on June 6, 2022 Complainant was ordered to show cause why Respondent's Motion should not be granted. In that show cause order, Complainant was warned that a failure to respond to the order may result Complainant's case being dismissed. To date, Complainant has not responded to the order or communicated with the Court.

Respondent's Motion to Dismiss the complaint is hereby **GRANTED**.

SO ORDERED.

HEATHER C. LESLIE
Administrative Law Judge
Washington, DC