

**UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY**

In the Matter of

**Carrie Tolstedt, Former Head of the
Community Bank**

OCC AA-EC-2019-82

**Claudia Russ Anderson, Former
Community Bank Group Risk Officer**

OCC AA-ED-2019-81

**James Strother, Former General
Counsel**

OCC AA-ED-2019-70

David Julian, Former Chief Auditor

OCC AA-ED-2019-71

**Paul McLinko, Former Executive
Audit Director**

OCC AA-ED-2019-72

Wells Fargo Bank, N.A.
Sioux Falls, South Dakota

ALJ McNeil

**ORDER REGARDING JOINT MOTION TO POSTPONE SCHEDULING
CONFERENCE AND EXTEND CERTAIN DEADLINES**

Discovery in this administrative enforcement action began on February 11, 2020, and pursuant to an Order issued on February 13, 2020 a telephonic Scheduling Conference in the above referenced matter is set to convene on Tuesday, March 17, 2020 at 1 p.m. ET.

On Friday, March 13, 2020, the parties filed a joint motion seeking to postpone the scheduling conference and extend deadlines currently in effect with respect to Enforcement Counsel's pending motion to strike affirmative defenses and Respondents' respective Second Requests for Production of Documents.¹

In support, the parties aver that such action is warranted "due to the current disruption and future uncertainty caused by the Coronavirus outbreak."² They aver the outbreak "has caused significant unanticipated disruptions to the work schedules for Enforcement Counsel and

¹ Joint Motion to Postpone Scheduling Conference and Extend Certain Deadlines, dated March 13, 2020.

² Id. at 1.

counsel for Respondents, and the Parties anticipate those disruptions may continue and may affect future discovery efforts like the ability to travel to meet with potential witnesses.”³

According to the Centers for Disease Control and Prevention:

The complete clinical picture with regard to COVID-19 is not fully known. Reported illnesses have ranged from very mild (including some with no reported symptoms) to severe, including illness resulting in death. While information so far suggests that most COVID-19 illness is mild, a report out of China suggests serious illness occurs in 16% of cases. Older people and people of all ages with severe chronic medical conditions — like heart disease, lung disease and diabetes, for example — seem to be at higher risk of developing serious COVID-19 illness.⁴

The CDC has issued the following recommendations in response to the pandemic:

Everyone can do their part to help us respond to this emerging public health threat:

Individuals and communities should familiarize themselves with recommendations to protect themselves and their communities from getting and spreading respiratory illnesses like COVID-19.

Older people and people with severe chronic conditions should take special precautions because they are at higher risk of developing serious COVID-19 illness.

If you are a healthcare provider, use your judgment to determine if a patient has signs and symptoms compatible with COVID-19 and whether the patient should be tested. Factors to consider in addition to clinical symptoms may include:

Does the patient have recent travel from an affected area?

Has the patient been in close contact with someone with COVID-19 or with patients with pneumonia of unknown cause?

Does the patient reside in an area where there has been community spread of COVID-19?

If you are a healthcare provider or a public health responder caring for a COVID-19 patient, please take care of yourself and follow recommended infection control procedures.

If you are a close contact of someone with COVID-19 and develop symptoms of COVID-19, call your healthcare provider and tell them about your symptoms and your exposure. They will decide whether you need to be tested, but keep in mind that there is no treatment for COVID-19 and people who are mildly ill are able to isolate at home.

If you are a resident in a community where there is ongoing spread of COVID-19 and you develop COVID-19 symptoms, call your healthcare

³ *Id.*

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html> last accessed 3/16/20.

provider and tell them about your symptoms. They will decide whether you need to be tested, but keep in mind that there is no treatment for COVID-19 and people who are mildly ill are able to isolate at home.

For people who are ill with COVID-19, but are not sick enough to be hospitalized, please follow CDC guidance on how to reduce the risk of spreading your illness to others. People who are mildly ill with COVID-19 are able to isolate at home during their illness.

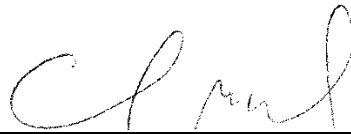
If you have been in China or another affected area or have been exposed to someone sick with COVID-19 in the last 14 days, you will face some limitations on your movement and activity. Please follow instructions during this time. Your cooperation is integral to the ongoing public health response to try to slow spread of this virus.⁵

At this time, there is no ban on domestic travel, and there is nothing in the record now before me suggesting that international travel will be needed to complete discovery in this enforcement action. Further, steps can be taken consistent with the above guidelines to minimize the risk of the spread of this virus – including the use of telephone or video depositions.

No basis has been shown for either delaying the scheduling conference or extending deadlines now in effect. Accordingly, the Joint Motion is DENIED.

SO ORDERED.

Dated March 16, 2020



Christopher B. McNeil
Administrative Law Judge
Office of Financial Institution Adjudication

CERTIFICATE OF SERVICE

On March 16, 2020 I served by email transmission a copy of the foregoing Order Regarding Joint Motion to Postpone Scheduling Conference and Extend Certain Deadlines upon:

Hearing Clerk:

Office of the Controller of the Currency
400 7th Street, S.W.
Washington, D.C. 20219
By email to: hearingclerk@occ.treas.gov

Enforcement Counsel:

William Jauquet, Assistant Director, Enforcement
William Carlson, Enforcement Counsel
Jason E. Friedman, Enforcement Counsel
Zina Lapidus, Enforcement Counsel

⁵ *Id.*