Laura L. Ho (SBN 173179)
lho@gbdhlegal.com
Anne Bellows (SBN 293722)
abellows@gbdhlegal.com
Beth Holtzman (SBN 316400)
bholtzman@gbdhlegal.com
GOLDSTEIN, BORGEN, DARDARIAN & HO
300 Lakeside Drive, Suite 1000
Oakland, CA 94612
(510) 763-9800; (510) 835-1417 (Fax)

Attorneys for Plaintiffs and Relators
(*Additional Counsel listed on the following page*)

Joseph A. Salazar Jr. (SBN 169551)
Joe.Salazar@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
2020 West El Camino Avenue, Suite 700
Sacramento, CA 95833
(916) 564-5400; (916) 564-5444 (Fax)

Attorney for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

UNITED STATES OF AMERICA, *ex rel.* DENIKA TERRY, ROY HUSKEY III, and TAMERA LIVINGSTON, and each of them for themselves individually, and for all other persons similarly situated and on behalf of the UNITED STATES OF AMERICA

Plaintiffs/Relators,

vs.

WASATCH ADVANTAGE GROUP, LLC, WASATCH PROPERTY MANAGEMENT, INC., WASATCH POOL HOLDINGS, LLC, CHESAPEAKE COMMONS HOLDINGS, LLC, LOGAN PARK APARTMENTS, LLC, LOGAN PARK APARTMENTS, LP, and DOES 1-30,

Defendants.

Case No.: 2:15-CV-00799-KJM-DB

CLASS ACTION

STIPULATION REGARDING AMENDMENTS TO THE SCHEDULING ORDER

Before: Hon. Kimberly Mueller

Trial Date: None Set

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Andrew Wolff (SBN 195092)
andrew@awolffflaw.com
Tony Ruch (SBN 242717)
LAW OFFICES OF ANDREW WOLFF, PC
1615 Broadway, 4th Floor
Oakland, CA 94612
(510) 834-3300; (510) 834-3377 (Fax)

Jesse Newmark (SBN 247488)
jessenewmark@centrolegal.org
Micaela Alvarez (SBN 319908)
malvarez@centrolegal.org
CENTRO LEGAL DE LA RAZA
3022 International Blvd., Suite 410
Oakland, CA 94601
(510) 437-1863; (510) 437-9164

Attorneys for Plaintiffs and Relators

Plaintiffs and Relators Denika Terry, Roy Huskey III, and Tamera Livingston and Defendants Wasatch Advantage Group, LLC, Wasatch Property Management, Inc., Wasatch Pool Holdings, LLC, Chesapeake Commons Holdings, LLC, Logan Park Apartments, LLC, and Logan Park Apartments, LP (together, "the Parties"), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, the Court issued the most recent pretrial scheduling order in this case on December 21, 2018 (ECF 103);

WHEREAS, under Federal Rule of Civil Procedure 16(b)(4), the Court has broad discretion to modify a pretrial scheduling order on a showing of "good cause," focusing on the diligence of the parties and the reasons for the requested modification, *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992); *C.F. ex rel. Farnan v. Capistrano Unified Sch. Dist.*, 654 F.3d 975, 984 (9th Cir. 2011);

WHEREAS, Plaintiffs sought amendments to the pretrial scheduling order by motion filed on June 14, 2019 (ECF 107 at 15-19), and Defendants indicated that they agreed to Plaintiffs' proposed amendments (ECF 107-1, Ex. 13; ECF 108 at 2);

WHEREAS, for the reasons set out in Plaintiffs' motion, Plaintiffs have shown good cause for relief from the scheduling order under Federal Rule of Civil Procedure 16(b)(4) (*see* ECF 107 at 15-19 (describing Plaintiffs' diligence, delays to the litigation resulting from the Parties' dispute about the class list, the addition of new counsel, and the Parties' exploration of mediation));

WHEREAS, the amended deadlines proposed by Plaintiffs in their June 14th motion were calculated to address the delays to the litigation resulting from the Parties' months-long dispute regarding the class list, which has unavoidably and significantly delayed both notice to the class and merits discovery efforts (ECF 107 at 17, 18-19);

WHEREAS, the remainder of Plaintiffs' June 14th motion addressed issues relating to the class list and class notice, seeking clarification or amendment of the class period for the Reimbursement Class, an order requiring Defendants to compile and produce the class list no later than July 26, 2019, and approval of Plaintiffs' proposed class notice (ECF 107 at 9-15);

WHEREAS, on July 2, 2019, the Court vacated the July 12, 2019 hearing on Plaintiffs' motion and reset the hearing for August 23, 2019 (ECF 109);

WHEREAS, the new hearing date will further push back the class notice, which depends on the Court resolving the present dispute between the Parties regarding the scope and membership of the Reimbursement Class certified pursuant to Federal Rule of Civil Procedure Rule 23 and Defendants thereafter producing a class list in compliance with the Court's order;

WHEREAS, the Parties agree that the pretrial scheduling order should be amended to account for these unavoidable delays;

WHEREAS, the Parties seek an order from the Court relieving them of the current fact discovery cut-off of September 20, 2019, as that deadline "cannot be reasonably met" despite the Parties' diligence, for the reasons set out in Plaintiffs' motion (*see* Fed. R. Civ. P. 16, advisory committee's notes (1983 amendment) (quoted in *Johnson*, 975 F.2d at 609));

WHEREAS, the Parties agree that the following modifications to the Court's scheduling order entered on December 21, 2018 (ECF 103) would be appropriate:

- Fact discovery shall be completed by **38 weeks** following the entry of the Court's order regarding Plaintiffs' Motion Seeking (1) Clarification, or in the Alternative, Amendment of the Class Definition; (2) Compilation of the Class List; and (3) Approval of Proposed Class Notice;
- Expert witness disclosures shall be made no later than **4 weeks** following the close of fact discovery;
- Rebuttal expert witness disclosures shall be made no later than **7 weeks** following the close of fact discovery;
- All expert discovery shall be completed no later than **12 weeks** following the close of fact discovery;
- All dispositive motions, except motions for continuances, temporary restraining orders or other emergency applications, shall be **filed** no later than **16 weeks** following the close of fact discovery.

THEREFORE, the Parties jointly stipulate and request that the Court so order.

Dated:

Respectfully submitted,

GOLDSTEIN, BORGEN, DARDARIAN & HO

/s/ Anne P. Bellows
Anne P. Bellows

Attorneys for Plaintiff and Relators

Dated:

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Ryan Matthews (as authorized on July 9, 2019)
Ryan Matthews

Attorneys for Defendants

IT IS SO ORDERED.

DATED: July 10, 2019.

UNITED STATES DISTRICT JUDGE