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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 AND ORDER REGARDING AMENDMENTS TO THE SCHEDULING ORDER

Before: Hon. Kimberly Mueller

Trial Date: None Set

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO
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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, 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, fact discovery in this case is currently set to close on October 7, 2020 pursuant to a stipulation approved by Court on July 11, 2019 (ECF No. 111);

WHEREAS, by Order on January 15, 2020 the Court indicated that it would consider further requests for amendments to the scheduling order upon the filing of a stipulation and proposed order by the Parties (ECF No. 115);

WHEREAS, the Parties have diligently pursued fact discovery but have encountered several substantial delays in their ongoing merits discovery due to discovery disputes, which they have tried to resolve in good faith;

WHEREAS, the onset of the COVID-19 pandemic and shelter in place orders have resulted in unavoidable and lengthy delays at all stages of the discovery process, despite counsel's best efforts;

WHEREAS, a document production by Defendants that the Parties began to discuss in January of this year has still not been made;

WHEREAS, significant fact discovery remains to be completed, including a sizeable production of Defendants' training documents and communications; resolution of the Parties' ongoing dispute regarding the data to which Plaintiffs are entitled from Defendants' centralized property-management database and a subsequent production of data; responses to further written discovery; and depositions;

WHEREAS, it is not possible for the Parties to complete this work in the two months remaining before the close of fact discovery;

WHEREAS, good cause to amend the scheduling order exists based on the Parties' diligence and the importance of completing fact discovery so that this case may be resolved on its merits;

WHEREAS, the Parties agree that the following modifications to the Court's scheduling order would be appropriate:

- Fact discovery shall be completed by April 7, 2021;
- Expert witness disclosures shall be made no later than May 5, 2021;
- Rebuttal expert witness disclosures shall be made no later May 26, 2021;
- All expert discovery shall be completed no later than June 30, 2021;
- All dispositive motions, except motions for continuances, temporary restraining orders or other emergency applications, shall be filed no later than July 28, 2021;

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

Dated: August 11, 2020

Respectfully submitted,

GOLDSTEIN, BORGEN, DARDARIAN & HO

/s/ Anne P. Bellows
Anne P. Bellows

Attorneys for Plaintiff and Relators

Dated: August 11, 2020

Respectfully submitted,

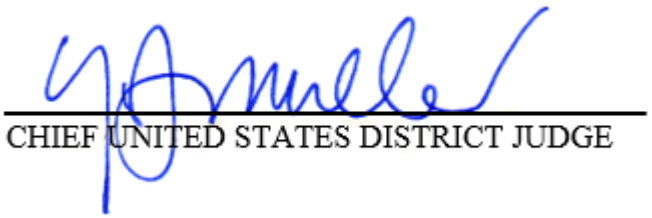
LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Ryan Matthews (as authorized on 8/11/2020)
Ryan Matthews

Attorneys for Defendants

IT IS SO ORDERED.

Dated: August 12, 2020.



CHIEF UNITED STATES DISTRICT JUDGE