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Attorneys for Plaintiffs and Relators and the Certified Classes

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,

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

CLASS ACTION

STIPULATION TO EXTEND THE TIME FOR THE PARTIES TO FILE THEIR ANTICIPATED STIPULATION TO AMEND THE CLASS CERTIFICATION ORDER

Before: Hon. Kimberly J. Mueller

Trial Date: None Set

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO
844564.3

CHESAPEAKE APARTMENT HOLDINGS, LLC, LOGAN PARK APARTMENTS, LLC, LOGAN PARK APARTMENTS, LP, ASPEN PARK HOLDINGS, LLC, BELLWOOD JERRON HOLDINGS, LLC, BELLWOOD JERRON APARTMENTS, LP, BENT TREE APARTMENTS, LLC, CALIFORNIA PLACE APARTMENTS, LLC, CAMELOT LAKES HOLDINGS, LLC, CANYON CLUB HOLDINGS, LLC, COURTYARD AT CENTRAL PARK APARTMENTS, LLC, CREEKSIDE HOLDINGS, LTD, HAYWARD SENIOR APARTMENTS, LP, HERITAGE PARK APARTMENTS, LP, OAK VALLEY APARTMENTS, LLC, OAK VALLEY HOLDINGS, LP, PEPPERTREE APARTMENT HOLDINGS, LP, PIEDMONT APARTMENTS, LP, POINT NATOMAS APARTMENTS, LLC, POINT NATOMAS APARTMENTS, LP, RIVER OAKS HOLDINGS, LLC, SHADOW WAY APARTMENTS, LP, SPRING VILLA APARTMENTS, LP, SUN VALLEY HOLDINGS, LTD, VILLAGE GROVE APARTMENTS, LP, WASATCH QUAIL RUN GP, LLC, WASATCH PREMIER PROPERTIES, LLC, WASATCH POOL HOLDINGS III, LLC, and DOES 1-4,

Defendants.

STIPULATION TO EXTEND THE TIME FOR THE PARTIES TO FILE THEIR ANTICIPATED STIPULATION TO AMEND THE CLASS CERTIFICATION ORDER

Plaintiffs and Relators Denika Terry, Roy Huskey III, and Tamera Livingston ("Plaintiffs"), and Defendants Wasatch Advantage Group, LLC, Wasatch Property Management, Inc., Wasatch Pool Holdings, LLC, Chesapeake Apartment Holdings, LLC, Logan Park Apartments, LLC, Logan Park Apartments, LP ("Existing Defendants"), stipulate as follows:

WHEREAS, this Court has previously certified both a Rule 23(b)(3) Class and a Rule 23(b)(2) Class in this case, ECF No. 92 (certifying the Rule 23(b)(3) class and conditionally certifying the Rule 23(b)(2) class upon substitution of an appropriate representative); ECF No. 95 (granting stipulation to substitute Tamera Livingston as class representative for the Rule 23(b)(2) class);

WHEREAS, Federal Rule of Civil Procedure 23(c)(1)(C) provides that an "order that grants or denies class certification may be altered or amended before final judgment";

WHEREAS, pursuant to a stipulation and order, on August 17, 2021, Plaintiffs filed the Fifth Amended Complaint specifying the true identities of 25 previously-named Doe Defendants ("New Defendants"), ECF Nos. 135, 136;

WHEREAS, counsel for Existing Defendants will represent the New Defendants but is still in the course of finalizing that representation, *see, e.g.*, ECF Nos. 140, 164;

WHEREAS, once representation of the New Defendants is finalized the Parties intend to submit a Stipulation to Amend the Class Certification Order adding the New Defendants to the class claims, and Plaintiffs and Existing Defendants have already agreed to the language for the Stipulation;

WHEREAS, at the Scheduling Conference held by this Court on October 28, 2021, counsel for Existing Defendants stated that he expected that his firm's representation of the New Defendants to be finalized in the coming days, and agreed to do so no later than November 4, 2021;

WHEREAS, during that Scheduling Conference, the Court asked the Parties to submit their Stipulation to Amend the Class Certification Order within 28 days;

WHEREAS, contrary to the Parties' expectations and goals, and despite their best efforts, representation of the New Defendants has not been finalized, and while Plaintiffs have been able to effect service on some of the New Defendants none have yet filed an Answer;

WHEREAS, the undersigned counsel for Existing Defendants will be representing the New Defendants and expects that his firm's representation of the New Defendants will be finalized by December 10, 2021;

WHEREAS, on November 23, 2021, this Court extended the deadline for service on the New Defendants to December 30, 2021, ECF No. 164;

THEREFORE, THE PARTIES STIPULATE AND JOINTLY REQUEST THAT THE COURT ORDER AS FOLLOWS:

1. That the deadline announced during the Scheduling Conference for the Parties to file their Stipulation to Amend the Class Certification Order is **vacated**; and
2. That no later than January 17, 2021, the Parties shall either file their Stipulation to Amend the Class Certification Order or a Status Report regarding the same.

Dated: November 29, 2021

Respectfully submitted,

GOLDSTEIN, BORGEN, DARDARIAN & HO

/s/ Anne P. Bellows
Anne P. Bellows

Attorneys for Plaintiffs and Relators

Dated: November 29, 2021

Respectfully submitted,

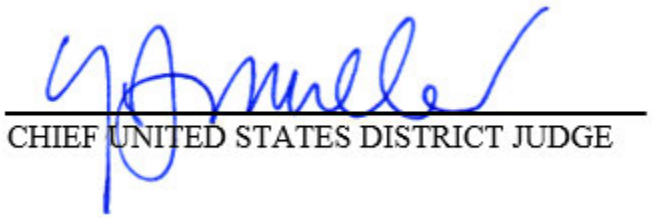
LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Ryan Matthews (as authorized 11/29/21)
Ryan Matthews

Attorneys for Defendants Wasatch Advantage Group, LLC, Wasatch Property Management, Inc., Wasatch Pool Holdings, LLC, Chesapeake Apartment Holdings, LLC, Logan Park Apartments, LLC, Logan Park Apartments, LP

IT IS SO ORDERED.

DATED: November 30, 2021.



CHIEF UNITED STATES DISTRICT JUDGE