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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 APARTMENT HOLDINGS, LLC, LOGAN PARK APARTMENTS, LLC, LOGAN

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

CLASS ACTION

STIPULATION AND ORDER TO EXTEND THE EXPERT-RELATED DEADLINES

Before: Hon. Chief Judge Kimberly J. Mueller

Trial Date: None Set

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO
846947.3

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.

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 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, LLC, 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 (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;

WHEREAS, since the Court adopted the Parties' proposed expert disclosure schedule at the October 28, 2021 scheduling conference, the Parties have completed 5 depositions and have been meeting and conferring on a regular basis—and sometimes multiple times a week—to complete document and written discovery;

WHEREAS, Plaintiffs have filed several motions to compel the production of documents and answers to interrogatories that remain outstanding, and Magistrate Judge Barnes has extended the scheduled hearings and the fact discovery deadline four times in order to allow Defendants time to complete their production (ECF Nos. 170, 191, 203, and 219);

WHREEAS, Defendants are diligently working to produce the outstanding documents and discovery responses, and anticipate doing so in the near future;

WHEREAS, the Parties have been collaborating on data production in partnership with the Joint Expert hired by the parties to complete the production of relevant data from Defendants'

database, through an iterative process that has involved multiple rounds of data production and review, and the Parties believe the data production to be nearing completion;

WHEREAS, due to the above-described delays in fact discovery and data discovery, the Parties agree that a short extension to the upcoming deadlines is appropriate and convenient;

WHEREAS, the extension contemplated by the Parties and further set out below does not affect the remainder of the scheduling order,

THEREFORE, the Parties joint stipulate and request that the Court order that the Scheduling Order (ECF No. 143) be modified as follows:

- Expert witness disclosures shall be made no later than ~~January 20, 2022~~ **January 28, 2022**
- Rebuttal expert witness disclosures shall be made no later than ~~February 17, 2022~~ **February 25, 2022**
- Expert discovery shall be completed no later than ~~March 10, 2022~~ **March 18, 2022**

Dated: January 11, 2022

Respectfully submitted,

GOLDSTEIN, BORGEN, DARDARIAN & HO

/s/ Anne P. Bellows
Anne P. Bellows

Attorneys for Plaintiffs and Relators

Dated: January 11, 2022

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Ryan Matthews (as authorized 1/11/22)
Ryan Matthews

Attorneys for Defendants

ORDER

The Scheduling Order (ECF No. 143) is modified as follows:

- Expert witness disclosures shall be made no later than January 28, 2022
- Rebuttal expert witness disclosures shall be made no later than February 25, 2022
- Expert discovery shall be completed no later than March 18, 2022.

IT IS SO ORDERED.

DATED: January 12, 2022.

CHIEF UNITED STATES DISTRICT JUDGE