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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,

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

CLASS ACTION

**STIPULATION AND ORDER TO EXTEND THE *DAUBERT* MOTION DEADLINE**

Before: Hon. Chief Judge Kimberly J. Mueller

Trial Date: None Set



AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO
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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 AND ORDER TO EXTEND THE *DAUBERT* MOTION DEADLINE**

Plaintiffs and Relators Denika Terry, Roy Huskey III, and Tamera Livingston as court appointed representatives for the certified classes of California tenants and as relators for the United States and Defendants Wasatch Property Management, *et al.* (together the Parties), by and through their undersigned counsel, stipulate as follows:

WHEREAS, the Parties recently filed their cross motions for summary judgment and partial summary judgment (ECF Nos. 241-51);

WHEREAS, the current scheduling order (ECF No. 143), as most recently modified by a stipulation and order signed by the Court on March 15, 2022 (ECF No. 237), provides for the following approaching deadlines:

- Dispositive motion opposition briefs filed by May 13, 2022;
- *Daubert* motions filed by May 13, 2022;
- Dispositive motion reply brief filed by May 27, 2022;
- *Daubert* motion opposition briefs filed by May 27, 2022;
- *Daubert* motion reply briefs filed by June 10, 2022;
- All dispositive motions, except for motions for continuances, temporary restraining orders or other emergency applications, shall be heard by July 8, 2022;

WHEREAS, the Parties have determined that it would serve the interests of efficiency and judicial economy to defer briefing on any *Daubert* motions related to summary judgment until the scope of record at issue in the summary judgment motions is more clearly established;

WHEREAS, the Parties further wish to clarify that the contemplated deadline for *Daubert* motions is solely with respect to the current dispositive briefing, and does not preclude subsequent pre-trial motions raising objections under *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993);

THEREFORE, the Parties jointly stipulate and request that the Court order that the Scheduling Order (ECF Nos. 143, 237) be modified to reflect the following *Daubert* motion briefing deadlines, leaving the remaining deadlines unchanged:

- *Daubert* motions for purposes of summary judgment filed by ~~May 13, 2022~~ **June 3,**

**2022**;

- *Daubert* motion opposition briefs filed by ~~May 27, 2022~~ **June 17, 2022;**
- *Daubert* motion reply briefs filed by ~~June 10, 2022~~ **June 24, 2022;**

Dated: May 2, 2022

Respectfully submitted,

GOLDSTEIN, BORGEN, DARDARIAN & HO

*/s/ Anne P. Bellows*
Anne P. Bellows

Attorneys for Plaintiffs and Relators

Dated: May 2, 2022

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

*/s/ Ryan Matthews* (as authorized 5/2/22 )
Ryan Matthews

Attorneys for Defendants

**Order**

Good cause appearing, the Court hereby ORDRERS that the scheduling order be modified to reflect the following deadlines for *Daubert* motions related to Phase 1 liability dispositive motion briefing:

- *Daubert* motions for purposes of summary judgment filed by ~~May 13, 2022~~ **June 3, 2022**;
- *Daubert* motion opposition briefs filed by ~~May 27, 2022~~ **June 17, 2022;**
- *Daubert* motion reply briefs filed by ~~June 10, 2022~~ **June 24, 2022;**

SO ORDERED.

DATED: May 10, 2022.

CHIEF UNITED STATES DISTRICT JUDGE