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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,

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

CLASS ACTION

STIPULATION AND ORDER TO AMEND THE SCHEDULING ORDER AND RESET EXPERT DISCOVERY DEADLINES

Before: Hon. Kimberley J. Mueller

Trial Date: None Set

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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 AMEND THE SCHEDULING ORDER AND RESET EXPERT DISCOVERY DEADLINES

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, 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 modification;

WHEREAS, the scheduling order entered by the Court on December 2, 2022 (ECF No. 279) provided for the following deadlines:

- Production of supplemental data shall be completed by April 21, 2023;
- Fact discovery shall be completed by May 12, 2023;
- Expert disclosures shall be completed by May 19, 2023;
- Rebuttal expert witnesses shall be exchanged by June 23, 2023;
- All expert discovery shall be completed by July 14, 2023; and
- Final Pretrial Conference is set for September 22, 2023 at 10:00 a.m.

WHEREAS, on March 29, 2023, Magistrate Judge Barnes issued an order continuing the deadline for the completion of fact discovery to June 2, 2023 (ECF No. 295);

WHEREAS, the parties have completed production of supplemental data and are diligently completing fact discovery;

WHEREAS, the deadline for completing expert disclosures is now two weeks before the deadline for completing fact discovery;

WHEREAS, extending the deadline for completing expert disclosures will not unduly delay the litigation or prejudice any party and will not affect the currently scheduled Final Pretrial Conference;

THEREFORE, the Parties jointly stipulate and request that the Court order that the current case schedule (ECF Nos. 279, 295) be modified to reflect the following deadlines:

- Fact discovery shall be completed by **June 2, 2023;**
- Expert disclosures shall be completed by ~~May 19, 2023;~~ **July 11, 2023;**
- Rebuttal expert witnesses shall be exchanged by ~~June 23, 2023;~~ **August 14, 2023;**
- All expert discovery shall be completed by ~~July 14, 2023;~~ **September 1, 2023;** and
- Final Pretrial Conference is set for **September 22, 2023,** at 10:00 a.m.

Dated: May 9, 2023

Respectfully submitted,

GOLDSTEIN, BORGEN, DARDARIAN & HO

/s/ Anne P. Bellows
Anne P. Bellows

Attorneys for Plaintiffs and Relators and the Certified Classes

Dated: May 9, 2023

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Ryan Matthews (as authorized 5/9/23)
Ryan Matthews

Attorneys for Defendants

ORDER

Good cause appearing, the Court hereby ORDERS that the scheduling order be modified to reflect the following deadlines:

- Fact discovery shall be completed by **June 2, 2023;**
- Expert disclosures shall be completed by **July 11, 2023;**
- Rebuttal expert witnesses shall be exchanged by **August 14, 2023;**
- All expert discovery shall be completed by **September 1, 2023;** and
- Final Pretrial Conference is set for **September 22, 2023,** at 10:00 a.m.

SO ORDERED.

DATED: May 16, 2023.

CHIEF UNITED STATES DISTRICT JUDGE