

THE HONORABLE BARBARA J. ROTHSTEIN

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW ALVAREZ and SCOTT
HALLIWELL, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

REALPAGE, INC., a Delaware corporation;
GREYSTAR REAL ESTATE PARTNERS,
LLC, a Delaware limited liability company;
LINCOLN PROPERTY COMPANY, a Texas
corporation; FPI MANAGEMENT, INC., a
California corporation; MID-AMERICA
APARTMENT COMMUNITIES, INC., a
Tennessee corporation;
AVENUE5 RESIDENTIAL, LLC, a Delaware
limited liability company; EQUITY
RESIDENTIAL, a Maryland real estate
investment trust; ESSEX PROPERTY TRUST,
INC., a Maryland corporation; ESSEX
MANAGEMENT CORPORATION, a California
corporation; AVALONBAY COMMUNITIES,
INC., a Maryland corporation; CAMDEN
PROPERTY TRUST, a Texas real estate
investment trust; THRIVE COMMUNITIES
MANAGEMENT, LLC, a Washington limited
liability company; and SECURITY
PROPERTIES INC., a Washington corporation,

Defendants.

No. 2:22-cv-01617

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR DEFENDANTS
TO RESPOND TO COMPLAINT

STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR DEFENDANTS TO RESPOND TO
COMPLAINT
No. 2:22-cv-01617

1 Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Matthew Alvarez and
2 Scott Halliwell (together, “Plaintiffs”) and Defendants RealPage, Inc., Greystar Real Estate
3 Partners, LLC, Lincoln Property Company, FPI Management, Inc., Mid-America Apartment
4 Communities, Inc., Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc.,
5 Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust
6 Thrive Communities Management, LLC, and Security Properties Inc. (collectively, the
7 “Stipulating Defendants”), by and through their respective counsel,¹ hereby stipulate as
8 follows:

9 WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on November
10 10, 2022. ECF No. 1.

11 WHEREAS, Plaintiffs served Defendants RealPage, Inc., Greystar Real Estate Partners,
12 LLC, Lincoln Property Company, FPI Management, Inc., Mid-America Apartment
13 Communities, Inc., Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc.,
14 Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust,
15 Thrive Communities Management, LLC, and Security Properties Inc. with process on or about
16 November 17, 18, 22, 23, and 29, 2022.

17 WHEREAS, the Complaint asserts a claim under Section 1 of the Sherman Act based
18 on the alleged use of RealPage, Inc.’s software.

19 WHEREAS, as of this filing, the parties are aware that one or more of the Stipulating
20 Defendants are named in multiple other lawsuits, in other District Courts in California, Illinois,
21 and New York, asserting claims under Section 1 of the Sherman Act based on the alleged use
22 of RealPage, Inc.’s software.

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25 ¹ Greystar Real Estate Partners, LLC, Lincoln Property Company, Mid-America Apartment Communities, Inc.,
26 Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc., Essex Management Corporation,
27 AvalonBay Communities, Inc., and Camden Property Trust are still in the process of retaining local counsel for
this action and have been represented by national counsel listed in the signature block below in conferences with
Plaintiffs’ counsel.

1 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred telephonically
2 and by electronic mail, and have agreed that party and judicial efficiency would be best served
3 by suspending, for a short period of time, the deadline for the Stipulating Defendants to answer,
4 move to dismiss, or otherwise respond to the Complaint.

5 WHEREAS, Plaintiffs and the Stipulating Defendants have agreed to meet and confer
6 and file a status report with the Court by December 21, 2022 related to a schedule for the case.

7 WHEREAS, Plaintiffs anticipate that they will propose a Rule 12 briefing schedule in
8 the status report for the litigation that Plaintiffs think will efficiently and expeditiously move
9 the case forward.

10 WHEREAS, on November 28, 2022, Judge Robert S. Lasnik entered in *Navarro v.*
11 *RealPage, Inc. et al.*, No. 2:22-cv-01552-RSL (W.D. Wash.), an order similar to the subjoined
12 order based on a stipulation similar to this one.

13 WHEREAS, Plaintiffs have filed a Notice of Related Case identifying this case as
14 related to *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552-RSL (W.D. Wash.), which is
15 pending before Judge Robert S. Lasnik. ECF No. 2.

16 In making this stipulation, the Stipulating Defendants do not waive, in this or any other
17 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.
18 12; (ii) affirmative defenses under Fed. R. Civ. P. 8; (iii) other statutory or common law
19 defenses that may be available; or (iv) right to seek or oppose any reassignment, transfer, or
20 consolidated alternatives. The Stipulating Defendants expressly reserve their rights to raise any
21 such defenses (or any other defense) in response to either the Complaint or any original,
22 amended, or consolidated complaint that may be filed in this or any other action.

23 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend
24 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to
25 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

26 STIPULATED to this 30th day of November, 2022.

27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR DEFENDANTS TO RESPOND TO
COMPLAINT
No. 2:22-cv-01617

1 s/ Alexander G. Tievsky

2 Alexander G. Tievsky (WSBA No. 57125)
3 Jay Edelson (*pro hac vice* forthcoming)
4 Benjamin H. Richman (*pro hac vice*
5 forthcoming)
6 David Mindell (*pro hac vice* forthcoming)
7 EDELSON PC
8 350 North LaSalle Street, 14th Floor
9 Chicago, IL 60654

10 Rafey Balabanian (*pro hac vice* forthcoming)
11 Todd Logan (*pro hac vice* forthcoming)
12 Yaman Salahi (*pro hac vice* forthcoming)
13 P. Solange Hilfinger-Pardo (*pro hac vice*
14 forthcoming)
15 EDELSON PC
16 150 California Street, 18th Floor
17 San Francisco, CA 94111

18 *Counsel for Plaintiffs Matthew Alvarez and*
19 *Scott Halliwell, Individually and on Behalf of*
20 *All Others Similarly Situated*

21 s/ Benjamin I. VandenBerghe

22 Benjamin I. VandenBerghe (WSBA No. 35477)
23 MONTGOMERY PURDUE PLLC
24 701 Fifth Avenue, Suite 5500
25 Seattle, Washington 98104-7096

26 *Counsel for Defendant Thrive Communities*
27 *Management, LLC*

s/ J. Dino Vasquez

J. Dino Vasquez (WSBA No. 25533)
KARR TUTTLE CAMPBELL
701 Fifth Avenue, Suite 3300
Seattle, WA 98104-7055

Counsel for Defendant Security Properties Inc.

s/ Heidi Bradley

Heidi Bradley (WSBA No. 35759)
BRADLEY BERNSTEIN SANDS LLP
113 Cherry Street, PMB 62056
Seattle, Washington 98104-2205

Darin Sands (WSBA No. 35865)
BRADLEY BERNSTEIN SANDS LLP
1425 SW 20th Ave., Suite 201
Portland, OR 97201

Counsel for Defendant RealPage, Inc.

/s/ Maren R. Norton

Maren R. Norton (WSBA No. 35435)
maren.norton@stoel.com
STOEL RIVES LLP
600 University Street, Suite 3600
Seattle, WA 98101
Telephone: (206) 624-0900
Facsimile: (206) 386-7500

Charles H. Samel (*pro hac vice* forthcoming)
charles.samel@stoel.com
Edward C. Duckers (*pro hac vice*
forthcoming)
ed.duckers@stoel.com
STOEL RIVES LLP
1 Montgomery Street, Suite 3230
San Francisco, CA 94104
Telephone: (415) 617-8900
Facsimile: (415) 617-8907

George A. Guthrie (*pro hac vice*
forthcoming)
gguthrie@wilkefleury.com
WILKE FLEURY LLP
621 Capitol Mall, Suite 900
Sacramento, CA 95814
Telephone: (916) 441-2430
Facsimile: (916) 442-6664

Counsel for Defendant FPI Management,
Inc.

STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR DEFENDANTS TO RESPOND TO
COMPLAINT

No. 2:22-cv-01617

National Counsel Participating in Meet and Confer:

s/ James Kress

James Kress (*pro hac vice* forthcoming)
Paul Cuomo (*pro hac vice* forthcoming)
BAKER BOTTS LLP
700 K. Street, NW
Washington, DC 20001-5692

Danny David (*pro hac vice* forthcoming)
BAKER BOTTS LLP
910 Louisiana Street
Houston, Texas 77002

Counsel for Defendant Avenue5 Residential, LLC

s/ Carl W. Hittinger

Carl W. Hittinger (*pro hac vice* forthcoming)
Jeffry W. Duffy (*pro hac vice* forthcoming)
BAKERHOSTETLER
1735 Market Street, Suite 3300
Philadelphia, PA 19103-7501

Counsel for Defendant Equity Residential

s/ Gregory J. Casas

Gregory J. Casas (*pro hac vice* forthcoming)
casasg@gtlaw.com
GREENBERG TRAUIG, LLP
300 West 6th Street, Suite 2050
Austin, TX 78701-4052
Telephone: (512) 320-7200
Facsimile: (512) 320-7210

Robert J. Herrington (*pro hac vice* forthcoming)
HerringtonR@gtlaw.com
GREENBERG TRAUIG, LLP
1840 Century Park East, Suite 1900
Los Angeles, CA 90067
Telephone: (310) 586-7700
Facsimile: (310) 586-7800

Becky L. Caruso (*pro hac vice* forthcoming)
carusob@gtlaw.com

s/ Britt M. Miller

Britt M. Miller (*pro hac vice* forthcoming)
Daniel T. Fenske (*pro hac vice* forthcoming)
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606

Counsel for Defendant Mid-America Apartment Communities, Inc.

s/ Ryan Sandrock

Ryan Sandrock (*pro hac vice* forthcoming)
SHOOK HARDY & BACON LLP
555 Mission Street, Suite 2300
San Francisco, CA 94105

Laurie A. Novion (*pro hac vice* forthcoming)
SHOOK HARDY & BACON LLP
2555 Grand Boulevard
Kansas City, MO 64108

Lynn H. Murray (*pro hac vice* forthcoming)
SHOOK HARDY & BACON LLP
111 S. Wacker Drive, Suite 4700
Chicago, IL 60606

Counsel for Defendant Camden Property Trust

s/ Belinda S Lee

Belinda S Lee (*pro hac vice* forthcoming)
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111

E. Marcellus Williamson (*pro hac vice* forthcoming)
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington DC, 20004

Counsel for Defendant AvalonBay Communities, Inc.

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No. 2:22-cv-01617

1 GREENBERG TRAURIG, LLP
2 500 Campus Drive, Suite 400
3 Florham Park, NJ 07932
4 Telephone: (609) 442-1196
5 Facsimile: (973) 301-8410

6 *Counsel for Defendant Lincoln Property Co.*

7 s/ Michael W. Scarborough
8 Michael W. Scarborough (*pro hac vice*
9 forthcoming)
10 Dylan I. Ballard (*pro hac vice* forthcoming)
11 SHEPPARD MULLIN RICHTER & HAMPTON LLP
12 Four Embarcadero Center, 17th Floor
13 San Francisco, CA 94111

14 *Counsel for Defendants Essex Property Trust,*
15 *Inc. and Essex Management Corporation*

s/ William L. Monts, III
William L. Monts, III (*pro hac vice*
forthcoming)
Benjamin F. Holt (*pro hac vice* forthcoming)
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, DC 20004

Michael M. Maddigan (*pro hac vice*
forthcoming)
HOGAN LOVELLS US LLP
1999 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067

Counsel for Defendant Greystar Real Estate
Partners, LLC

ORDER


1 THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the
2 Deadline for Defendants to Respond to the Complaint. Now, therefore,

3 IT IS HEREBY ORDERED THAT:

4 The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC,
5 Lincoln Property Company, FPI Management, Inc., Mid-America Apartment Communities,
6 Inc., Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc., Essex
7 Management Corporation, AvalonBay Communities, Inc., Camden Property Trust, Thrive
8 Communities Management, LLC, and Security Properties Inc. to answer, move to dismiss, or
9 otherwise respond to the Complaint is suspended until the Court adopts a new date following
10 the parties' submission of a proposed amended scheduling order on or before December 21,
11 2022.

12 Plaintiffs and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln
13 Property Company, FPI Management, Inc., Mid-America Apartment Communities, Inc.,
14 Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc., Essex Management
15 Corporation, AvalonBay Communities, Inc., Camden Property Trust, Thrive Communities
16 Management, LLC, and Security Properties Inc. shall meet and confer and file a status report
17 with the Court, no later than December 21, 2022, that includes a proposed order with an
18 amended pretrial schedule.

19 DATED this 6th day of December, 2022.

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21 BARBARA J. ROTHSTEIN
22 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 30th day of November, 2022.

s/ Heidi Bradley

Heidi Bradley