

1 Laura L. Ho (SBN 173179)
 lho@gbdhlegal.com
 2 Anne Bellows (SBN 293722)
 abellows@gbdhlegal.com
 3 Beth Holtzman (SBN 316400)
 bholtzman@gbdhlegal.com
 4 GOLDSTEIN, BORGEN, DARDARIAN & HO
 300 Lakeside Drive, Suite 1000
 5 Oakland, CA 94612
 (510) 763-9800; (510) 835-1417 (Fax)

6 Attorneys for Plaintiffs and Relators
 7 (*Additional Counsel listed on the following page*)

8 Joseph A. Salazar Jr. (SBN 169551)
 Joe.Salazar@lewisbrisbois.com
 9 LEWIS BRISBOIS BISGAARD & SMITH LLP
 2020 West El Camino Avenue, Suite 700
 10 Sacramento, CA 95833
 (916) 564-5400; (916) 564-5444 (Fax)

11 Attorney for Defendants
 12

13
 14 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
 15 **SACRAMENTO DIVISION**

16 UNITED STATES OF AMERICA, *ex rel.*
 DENIKA TERRY, ROY HUSKEY III, and
 17 TAMERA LIVINGSTON, and each of them for
 themselves individually, and for all other persons
 18 similarly situated and on behalf of the UNITED
 STATES OF AMERICA

19 Plaintiffs/Relators,

20 vs.

21 WASATCH ADVANTAGE GROUP, LLC,
 22 WASATCH PROPERTY MANAGEMENT, INC.,
 WASATCH POOL HOLDINGS, LLC,
 23 CHESAPEAKE COMMONS HOLDINGS, LLC,
 LOGAN PARK APARTMENTS, LLC, LOGAN
 24 PARK APARTMENTS, LP, and DOES 1-30,

25 Defendants.

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

CLASS ACTION

**STIPULATION REGARDING
 AMENDMENTS TO THE SCHEDULING
 ORDER**

Before: Hon. Kimberly Mueller

Trial Date: None Set

1 Andrew Wolff (SBN 195092)
andrew@awolfflaw.com
2 Tony Ruch (SBN 242717)
LAW OFFICES OF ANDREW WOLFF, PC
3 1615 Broadway, 4th Floor
Oakland, CA 94612
4 (510) 834-3300; (510) 834-3377 (Fax)

5 Jesse Newmark (SBN 247488)
jessenewmark@centrolegal.org
6 Micaela Alvarez (SBN 319908)
malvarez@centrolegal.org
7 CENTRO LEGAL DE LA RAZA
3022 International Blvd., Suite 410
8 Oakland, CA 94601
(510) 437-1863; (510) 437-9164

9 Attorneys for Plaintiffs and Relators
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiffs and Relators Denika Terry, Roy Huskey III, and Tamera Livingston and Defendants
2 Wasatch Advantage Group, LLC, Wasatch Property Management, Inc., Wasatch Pool Holdings, LLC,
3 Chesapeake Commons Holdings, LLC, Logan Park Apartments, LLC, and Logan Park Apartments, LP
4 (together, “the Parties”), by and through their undersigned counsel, hereby stipulate as follows:

5 WHEREAS, the Court issued the most recent pretrial scheduling order in this case on
6 December 21, 2018 (ECF 103);

7 WHEREAS, under Federal Rule of Civil Procedure 16(b)(4), the Court has broad discretion to
8 modify a pretrial scheduling order on a showing of “good cause,” focusing on the diligence of the
9 parties and the reasons for the requested modification, *Johnson v. Mammoth Recreations, Inc.*, 975
10 F.2d 604, 609 (9th Cir. 1992); *C.F. ex rel. Farnan v. Capistrano Unified Sch. Dist.*, 654 F.3d 975, 984
11 (9th Cir. 2011);

12 WHEREAS, Plaintiffs sought amendments to the pretrial scheduling order by motion filed on
13 June 14, 2019 (ECF 107 at 15-19), and Defendants indicated that they agreed to Plaintiffs’ proposed
14 amendments (ECF 107-1, Ex. 13; ECF 108 at 2);

15 WHEREAS, for the reasons set out in Plaintiffs’ motion, Plaintiffs have shown good cause for
16 relief from the scheduling order under Federal Rule of Civil Procedure 16(b)(4) (*see* ECF 107 at 15-19
17 (describing Plaintiffs’ diligence, delays to the litigation resulting from the Parties’ dispute about the
18 class list, the addition of new counsel, and the Parties’ exploration of mediation));

19 WHEREAS, the amended deadlines proposed by Plaintiffs in their June 14th motion were
20 calculated to address the delays to the litigation resulting from the Parties’ months-long dispute
21 regarding the class list, which has unavoidably and significantly delayed both notice to the class and
22 merits discovery efforts (ECF 107 at 17, 18-19);

23 WHEREAS, the remainder of Plaintiffs’ June 14th motion addressed issues relating to the class
24 list and class notice, seeking clarification or amendment of the class period for the Reimbursement
25 Class, an order requiring Defendants to compile and produce the class list no later than July 26, 2019,
26 and approval of Plaintiffs’ proposed class notice (ECF 107 at 9-15);

27 WHEREAS, on July 2, 2019, the Court vacated the July 12, 2019 hearing on Plaintiffs’ motion
28 and reset the hearing for August 23, 2019 (ECF 109);

1 WHEREAS, the new hearing date will further push back the class notice, which depends on the
2 Court resolving the present dispute between the Parties regarding the scope and membership of the
3 Reimbursement Class certified pursuant to Federal Rule of Civil Procedure Rule 23 and Defendants
4 thereafter producing a class list in compliance with the Court’s order;

5 WHEREAS, the Parties agree that the pretrial scheduling order should be amended to account
6 for these unavoidable delays;

7 WHEREAS, the Parties seek an order from the Court relieving them of the current fact
8 discovery cut-off of September 20, 2019, as that deadline “cannot be reasonably met” despite the
9 Parties’ diligence, for the reasons set out in Plaintiffs’ motion (*see* Fed. R. Civ. P. 16, advisory
10 committee’s notes (1983 amendment) (quoted in *Johnson*, 975 F.2d at 609));

11 WHEREAS, the Parties agree that the following modifications to the Court’s scheduling order
12 entered on December 21, 2018 (ECF 103) would be appropriate:

- 13 • Fact discovery shall be completed by **38 weeks** following the entry of the Court’s order
14 regarding Plaintiffs’ Motion Seeking (1) Clarification, or in the Alternative,
15 Amendment of the Class Definition; (2) Compilation of the Class List; and (3)
16 Approval of Proposed Class Notice;
- 17 • Expert witness disclosures shall be made no later than **4 weeks** following the close of
18 fact discovery;
- 19 • Rebuttal expert witness disclosures shall be made no later than **7 weeks** following the
20 close of fact discovery;
- 21 • All expert discovery shall be completed no later than **12 weeks** following the close of
22 fact discovery;
- 23 • All dispositive motions, except motions for continuances, temporary restraining orders
24 or other emergency applications, shall be **filed** no later than **16 weeks** following the
25 close of fact discovery.

26 THEREFORE, the Parties jointly stipulate and request that the Court so order.
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated:

Respectfully submitted,
GOLDSTEIN, BORGEN, DARDARIAN & HO

/s/ Anne P. Bellows

Anne P. Bellows

Attorneys for Plaintiff and Relators

Dated:

Respectfully submitted,
LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Ryan Matthews (as authorized on July 9, 2019)

Ryan Matthews

Attorneys for Defendants

IT IS SO ORDERED.

DATED: July 10, 2019.


UNITED STATES DISTRICT JUDGE