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16 Attorneys for Plaintiffs and Relators and the Certified Classes

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19 **UNITED STATES DISTRICT COURT**
20 **EASTERN DISTRICT OF CALIFORNIA**
21 **SACRAMENTO DIVISION**

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

25 Plaintiffs/Relators,

26 vs.

27 WASATCH ADVANTAGE GROUP, LLC,
WASATCH PROPERTY MANAGEMENT, INC.,
28 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

1 CHESAPEAKE APARTMENT HOLDINGS, LLC,
LOGAN PARK APARTMENTS, LLC, LOGAN
2 PARK APARTMENTS, LP, ASPEN PARK
HOLDINGS, LLC, BELLWOOD JERRON
3 HOLDINGS, LLC, BELLWOOD JERRON
APARTMENTS, LP, BENT TREE
4 APARTMENTS, LLC, CALIFORNIA PLACE
APARTMENTS, LLC, CAMELOT LAKES
5 HOLDINGS, LLC, CANYON CLUB HOLDINGS,
LLC, COURTYARD AT CENTRAL PARK
6 APARTMENTS, LLC, CREEKSIDE HOLDINGS,
LTD, HAYWARD SENIOR APARTMENTS, LP,
7 HERITAGE PARK APARTMENTS, LP, OAK
VALLEY APARTMENTS, LLC, OAK VALLEY
8 HOLDINGS, LP, PEPPERTREE APARTMENT
HOLDINGS, LP, PIEDMONT APARTMENTS,
9 LP, POINT NATOMAS APARTMENTS, LLC,
POINT NATOMAS APARTMENTS, LP, RIVER
10 OAKS HOLDINGS, LLC, SHADOW WAY
APARTMENTS, LP, SPRING VILLA
11 APARTMENTS, LP, SUN VALLEY HOLDINGS,
LTD, VILLAGE GROVE APARTMENTS, LP,
12 WASATCH QUAIL RUN GP, LLC, WASATCH
PREMIER PROPERTIES, LLC, WASATCH
13 POOL HOLDINGS III, LLC,
and DOES 1-4,

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15 Defendants.
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1 **STIPULATION AND ORDER TO EXTEND THE *DAUBERT* MOTION DEADLINE**

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

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

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

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

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

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

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

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

1 **2022;**

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

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5 Dated: May 2, 2022

Respectfully submitted,

GOLDSTEIN, BORGEN, DARDARIAN & HO

/s/ Anne P. Bellows

Anne P. Bellows

Attorneys for Plaintiffs and Relators

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10 Dated: May 2, 2022

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

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

Ryan Matthews

Attorneys for Defendants

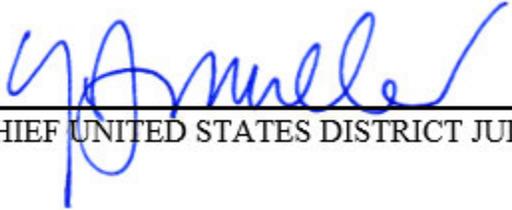
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16 **Order**

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

- 21 • *Daubert* motions for purposes of summary judgment filed by ~~May 13, 2022~~ **June 3,**
22 **2022;**
23 • *Daubert* motion opposition briefs filed by ~~May 27, 2022~~ **June 17, 2022;**
24 • *Daubert* motion reply briefs filed by ~~June 10, 2022~~ **June 24, 2022;**

25 SO ORDERED.

26 DATED: May 10, 2022.

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CHIEF UNITED STATES DISTRICT JUDGE