

1 Joseph E. Addiego III (CA SBN 169522)
 John D. Freed (CA SBN 261518)
 2 DAVIS WRIGHT TREMAINE LLP
 505 Montgomery Street, Suite 800
 3 San Francisco, California 94111
 Telephone: (415) 276-6500
 4 Facsimile: (415) 276-6599
 Email: jakefreed@dwt.com
 5 joeaddiego@dwt.com

6 Attorneys for Defendant
 ESSEX PROPERTY TRUST, INC.

7
 8
 9 IN THE UNITED STATES DISTRICT COURT
 10 THE NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

12 ANGELE GIROUX,)	Case No. 16-cv-01722-HSG
)	
13 Plaintiff,)	THIRD STIPULATION AND ORDER
)	REGARDING EXTENSION TO
14 v.)	DEADLINE FOR SUBMISSION OF
)	STIPULATED JUDGMENT
15 ESSEX PROPERTY TRUST, INC.,)	
)	
16 Defendant.)	
)	
17)	
)	
18)	
19 _____)		

20
 21
 22
 23
 24
 25
 26
 27
 28

1 On March 14, 2019, the Court entered its Order Granting Motion for Final Approval of
2 Class Action Settlement and Granting Motion for Class Counsel Attorneys' Fees and Costs ("Final
3 Approval Order") (Dkt. 80), which directed the parties to file a Stipulated Judgment by March 29,
4 2019.

5 On or about March 25, 2019, AllClear, the identity theft protection company that had
6 committed to provide the additional identity theft protection contemplated in the settlement
7 approved by the Court, informed Essex it had been acquired by Experian and would not provide
8 those identity theft protection services. The parties immediately responded, and began negotiating
9 an extension of coverage with AllClear and to identify a new service provider of identity theft
10 protection upon the expiration of the AllClear coverage.

11 On March 29, 2019, in order to give the parties time to complete this process and submit a
12 proposal to the Court to address this unanticipated issue, the parties submitted a Stipulation
13 requesting that the Court continue the March 29, 2019 deadline to submit the Stipulated Judgment
14 for two weeks, until April 12, 2019 (Dkt 81). On April 1, 2019, the Court entered an Order
15 granting the requested continuance to April 12, 2019 (Dkt. 82).

16 Essex secured a one year extension of coverage from AllClear for those class members
17 who were previously enrolled with AllClear, to ensure continuous coverage. The parties have
18 agreed upon a vendor to provide the necessary services for the remainder of the periods identified
19 in the approved settlement. The parties continue to work to finalize the agreement with the new
20 vendor, as well as the logistics of notifying the class and implementing that replacement coverage.

21 The parties submitted a second stipulation for extension on April 12, 2015 (Dkt. 83), and
22 the Court entered the order granting the stipulation on April 15, 2019 (Dkt. 84), providing another
23 extension to April 26, 2019 to submit the Stipulated Judgment.

24 The parties request another two-week extension, to May 10, 2019, to allow sufficient time
25 to complete these tasks before submitting the Stipulated Judgment. The parties are mindful that
26 this is the third extension requested. The task of securing new coverage and implementing same
27
28

1 has proven to be more complex than initially anticipated. They are working diligently to finalize
2 all aspects of this new coverage and on the notice of this change to the class members.

3 IT IS SO STIPULATED.

4

5 DATED: April 26, 2019

6

DAVIS WRIGHT TREMAINE LLP

Joseph E. Addiego III

John D. Freed

7

8

By: /s/ Joseph E. Addiego III

Joseph E. Addiego III

9

Attorneys for Defendant

ESSEX PROPERTY TRUST, INC.

10

11

STUTHEIT KALIN LLC

Kyann C. Kalin

12

13

By: /s/ Kyann C. Kalin

Kyann C. Kalin

14

Attorneys for Plaintiff

15

16

17

18

19

20

21

22

23

24

25

26

27

28

CERTIFICATION OF CONCURRENCE

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

Pursuant to L.R. 5-1, I hereby attest that Kyann C. Kalin, counsel for Plaintiff Angele Giroux, has provided his concurrence in the electronic filing of the foregoing document entitled **THIRD STIPULATION AND [PROPOSED] ORDER REGARDING EXTENSION TO DEADLINE FOR SUBMISSION OF STIPULATED JUDGMENT**

/s/ Joseph E. Addiego III
Joseph Addiego III

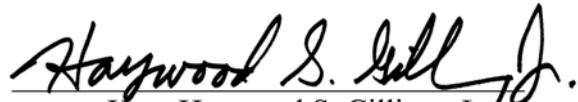
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Presently before the Court is the parties' Third Stipulation [and Proposed Order] Regarding Extension of the Deadline for Submission of a Stipulated Judgment. The deadline is hereby extended until May 10, 2019.

IT IS SO ORDERED.

Date: April 26, 2019


Hon. Haywood S. Gilliam, Jr.
United States District Judge