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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

HALEY MARTINEZ and MATTHEW  
SHERIDAN, on behalf of  
themselves and all others similarly  
situated,  
  
Plaintiffs,  
  
v.  
  
UNIVERSITY OF SAN DIEGO,  
  
Defendant.

Case No. 3:20cv1946-LAB-WVG  
  
**ORDER GRANTING MOTIONS TO  
CONSOLIDATE CASES, SETTING  
SCHEDULE, AND DIRECTING  
PLAINTIFFS TO DESIGNATE  
INTERIM LIAISON COUNSEL**  
  
[Dkt. 26]

CATHERINE HOLDEN, on behalf of  
herself and all others similarly  
situated,  
  
Plaintiff,  
  
v.  
  
UNIVERSITY OF SAN DIEGO,  
  
Defendant.

Case No. 20cv2169-LAB-WVG  
  
[Dkt. 15]

[Caption continued on following page.]

1 EDGAR CHAVARRIA, on behalf of  
2 himself and all others similarly  
3 situated,  
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Case No. 3:20cv2215-LAB-WVG  
[Dkt. 14]

Plaintiff,  
v.  
UNIVERSITY OF SAN DIEGO,  
Defendant.

22 Plaintiffs filed a Motion to Consolidate Cases and Set Briefing  
23 Schedule for Motion to Dismiss in each of the above-captioned actions (the  
24 “Motions”). Defendant University of San Diego subsequently filed Notices of  
25 Non-Opposition to the Motions. Plaintiffs’ Motions are each **GRANTED**.

26 1. The Court finds that the following putative class actions are  
27 related as they arise from the same set of facts and substantially-similar legal  
28 theories and seek to represent overlapping classes of University of San  
Diego students who paid tuition and/or fees for any semester during which  
USD conducted typically in-person activities online in connection with the  
COVID-19 pandemic (“University of San Diego Tuition and Fees COVID-19  
Refund Litigation”):

Abbreviated Case Name	Case Number	Date Filed
<i>Martinez v. University of San Diego</i>	20cv1946-LAB-WVG	October 1, 2021
<i>Holden v. University of San Diego</i>	20cv2169-LAB-WVG	November 5, 2021
<i>Chavarria v. University of San Diego</i>	20cv2215-LAB-WVG	November 13, 2021

1           2.     The above-referenced actions are consolidated for all purposes,  
2 subject to the terms of this Order.

3           3.     The caption of the consolidated action will be *In re University of*  
4 *San Diego Tuition and Fees COVID-19 Refund Litigation*, and the files of the  
5 consolidated action will be maintained in one file bearing the low-numbered  
6 case number, Master File No. 20cv1946-LAB-WVG. Any other University of  
7 San Diego Tuition and Fees COVID-19 Refund Litigation putative class  
8 action now pending in, later filed in, or transferred to this Court arising out of  
9 or related to the same set of facts will be consolidated for all purposes if and  
10 when they are brought to the Court’s attention.

11          4.     Every pleading filed in this consolidated action or in any separate  
12 putative class action included herein will bear the following caption:

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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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In re University of San Diego  
Tuition and Fees COVID-19  
Refund Litigation

Master File No.  
15-cv-2106-LAB-WVG

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This document relates to:

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5.     When a pleading is intended to apply to all actions governed by  
23 this order, the words “All Actions” shall appear immediately after the words  
24 “This document relates to:” in the above-referenced caption. When a  
25 pleading is intended to be applicable to only some, but not all, of the  
26 consolidated actions, the docket number for each individual action to which  
27 the pleading is intended to be applicable and the abbreviated case name of

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1 said action will appear immediately after the words “This document relates  
2 to:” in the above-referenced caption.

3           6.     A Master Docket and a Master File are hereby established for  
4 the above consolidated proceedings, and for all other related cases filed in,  
5 or transferred to, this Court. Separate dockets will continue to be maintained  
6 for each of the individual actions hereby consolidated, and entries will be  
7 made in the docket of each individual case in accordance with the regular  
8 procedures of the clerk of this Court, except as modified by this Order.

9           7.     Upon the filing of a pleading applicable to “All Actions,” the clerk  
10 will file that pleading in the Master File and note the filing on the Master  
11 Docket. No further copies need be filed, and no other docket entries need be  
12 made. When a pleading applicable to fewer than all of the consolidated  
13 actions is filed, the clerk will file the pleading in the Master File only but  
14 docket it on the Master Docket and the docket of each applicable action.  
15 When a putative class action that properly belongs as part of the  
16 consolidated action is filed in this Court or transferred to this Court from  
17 another court, the clerk of this Court will:

18                   (a)    Place a copy of this Order in the separate file for such  
19 action;

20                   (b)    Mail to the attorney for the plaintiff(s) in the newly-filed or  
21 transferred case a copy of this Order and direct this Order be served upon  
22 or mailed to any new defendant(s) or their counsel in the newly-filed or  
23 transferred case; and

24                   (c)    Make an appropriate entry on the Master Docket. The  
25 Court requests the assistance of counsel in bringing the filing or transfer of  
26 any case in this District which properly might be consolidated as part of *In re*  
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1 *University of San Diego Tuition and Fees COVID-19 Refund Litigation* to the  
2 attention of the clerk of this Court.

3 8. The Court finds that appointment of liaison counsel would  
4 simplify case management and further efficient resolution of the consolidated  
5 actions. Accordingly, it directs Plaintiffs jointly to designate Interim Liaison  
6 Counsel with authority to speak for all plaintiffs in the consolidated action,  
7 until the appointment either expires or is modified by Court Order.

8 9. Plaintiffs' designated Interim Liaison Counsel should have the  
9 authority to: (1) serve as the primary contact for communications between  
10 the Court and Plaintiffs' counsel; (2) serve as the primary contact for  
11 communications between Plaintiffs and Defendant; and (3) convene  
12 meetings among Plaintiffs' counsel. Interim Liaison Counsel will also  
13 maintain the official service list of all Plaintiffs and Plaintiffs' counsel in the  
14 consolidated action, including their addresses, ensure that all notices,  
15 orders, and material communications are properly distributed to Plaintiffs and  
16 their counsel (to the extent not served via e-filing), and perform whatever any  
17 additional functions the Court may assign.

18 10. Service of all papers filed with the Court shall be accomplished  
19 by e-filing. Papers not filed with the Court may be served by: (i) e-mail;  
20 (ii) overnight mail service; or (iii) hand delivery. Plaintiffs will serve all such  
21 unfiled papers by serving Defendant's counsel. Once Interim Liaison  
22 Counsel is designated, Defendant will serve all such unfiled papers by  
23 serving Interim Liaison Counsel. Whenever feasible, the serving party shall  
24 send courtesy copies simultaneously via e-mail in PDF format to Defendant's  
25 counsel and/or to Liaison Counsel, as applicable.

26 11. This Order shall not affect Defendant's rights to claim that a  
27 named entity is an improper party, that the Court lacks personal jurisdiction,

1 that Defendant has any Federal Rule of Civil Procedure 12 defense or  
2 objection, or that the claims against it should be dismissed. Defendant  
3 retains any defenses, claims, and objections to any claims, complaints,  
4 filings, or allegations made in the complaints already filed or which may be  
5 subsequently filed. Nothing in in this Order shall restrict or modify  
6 Defendant's right to move for or request separate trials, proceedings, or  
7 determinations at any stage of this litigation.

8 12. The Motions are **GRANTED**. The April 12, 2021 hearing on the  
9 Motions is **VACATED**. Briefing on Defendant's pending motions to dismiss  
10 in each of the consolidated actions is **STAYED**, and the hearings on those  
11 motions are **VACATED**.

12 13. Plaintiffs must file:

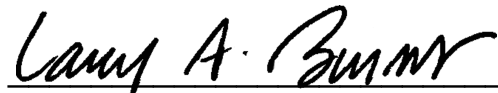
13 (a) On or before **April 21, 2021**, a designation of Liaison  
14 Counsel; and

15 (b) On or before **April 28, 2021**, a consolidated complaint.

16 14. Defendant must file their response to the consolidated complaint  
17 no later than **21 days** after that pleading is filed.

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19 **IT IS SO ORDERED.**

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21 Date: April 7, 2021



22 Hon. Larry Alan Burns  
23 United States District Judge

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