

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02503-WJM-MJW

STEVEN A. STENDER,
HAROLD SILVER, and
INFINITY CLARK STREET OPERATING, L.L.C., on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

ARCHSTONE-SMITH OPERATING TRUST,
ARCHSTONE-SMITH TRUST,
ERNEST A. GERARDI, JR,
RUTH ANN M. GILLIS,
NED S. HOLMES,
ROBERT P. KOGOD,
JAMES H. POLK III,
JOHN C. SCHWEITZER,
R. SCOT SELLERS,
ROBERT H. SMITH,
STEPHEN R. DEMERITT,
CHARLES MUELLER, JR.,
CAROLINE BROWER,
MARK SCHUMACHER,
ALFRED G. NEELY,
LEHMAN BROTHERS HOLDINGS, INC.,
TISHMAN SPEYER DEVELOPMENT CORPORATION,
RIVER HOLDING, LP,
RIVER TRUST ACQUISITION (MD), LLC,
RIVER ACQUISITION (MD), LP
ARCHSTONE MULTIFAMILY SERIES I TRUST,
JOHN DOES 1-8,
ARCHSTONE, INC.,
AVALONBAY COMMUNITIES, INC.,
ARCHSTONE ENTERPRISE LP,
ERP OPERATING LIMITED PARTNERSHIP, and
EQUITY RESIDENTIAL,

Defendants.

MINUTE ORDER

It is hereby ORDERED that:

- Plaintiffs' Motion for Clarification (Docket No. 379) is DENIED AS MOOT. Regardless of whether Defendants' deposition subpoenas were timely, in any event Defendants have shown good cause to amend the scheduling order to allow the deposition of Plaintiffs' accountants.
- The Archstone Defendants' Motion to Compel Discovery or, in the Alternative, to Clarify Order (Docket No. 381) is DENIED, because the U.S. District Court for the Northern District of Illinois currently has jurisdiction to enforce the subpoenas at issue.
- The Scheduling Order in this case (Docket No. 335) is AMENDED as follows:
 - The discovery cut-off is extended to July 24, 2015, for the limited purpose of (1) allowing Defendants to take the depositions of Sheldon Silver and Randy Markowitz; and (2) allowing Plaintiffs to take the Rule 30(b)(6) depositions of Hogan Lovells and Lehman Brothers. The July 13, 2015, discovery cut-off remains in effect for all other fact discovery.
 - The deadline for deposing rebuttal experts is shortened to July 24, 2015.
- For purposes of resolving the Court's award of attorneys fees and costs as to Defendant's May 13, 2015 motion to compel (Docket Nos. 353, 360), Defendants are DIRECTED to file complete, itemized, and unredacted billing records for this case for the months of April 2015 and May 2015. Defendants may highlight or otherwise indicate the entries that specifically relate to the May 13, 2015 motion to compel, so long as the annotations do not obstruct the Court's ability to review the entire document. Defendants are directed to file the records under Level 2 Restriction pursuant to D.C.COLO.LCivR 7.2.
- Plaintiffs are DIRECTED to file a Notice in the U.S. District Court for the Northern District of Illinois, in Case No. 15-cv-05666, providing that court with a courtesy copy of this Order. Plaintiffs are further directed to do so forthwith and to provide proof of filing at the status conference in this case on July 15, 2015.

Date: July 14, 2015
