

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 13-cv-00496-REB

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

Plaintiffs,

v.

ERP OPERATING LIMITED PARTNERSHIP,
EQUITY RESIDENTIAL,
AVALONBAY COMMUNITIES, INC.,
LEHMAN BROTHERS HOLDINGS INC.,
ARCHSTONE ENTERPRISE LP, and
ARCHSTONE, INC.,

Defendants.

ORDER RE: MOTIONS FOR CLASS CERTIFICATION

Blackburn, J.

The matter is before the court *sua sponte*. In this putative class action, the court recognizes the requirement under Fed. R. Civ. P. 23(c)(1)(A) to determine whether to certify a class before the case properly can proceed to resolution by summary judgment, trial, or otherwise. Therefore, I establish the following briefing schedule to govern resolution of this and related matters.

IT IS ORDERED as follows:

1. That no later than thirty (30) days after the first answer or other response, e.g., motion to dismiss, etc., to the complaint is filed by a defendant, the plaintiff **SHALL FILE** a motion for class certification under Fed. R. Civ. P. 23 (a) that addresses, *inter*

alia, (i) the prerequisites at Fed. R. Civ. P. 23(a)(1)-(4), and (ii) the matters at Fed. R. Civ. P. 23(b); (b) that defines the proposed class; and (c) that requests the appointment of class counsel;

2. That the deadlines for filing response and reply briefs **SHALL BE AS PRESCRIBED** under D.C.COLO.LCivR 7.1C.;

3. That an applicant for class counsel **SHALL ADDRESS** the matters at Fed. R. Civ. P. 23(g)(1)(A)(i)-(iv) and any other matter pertinent to the applicant's ability to fairly and adequately represent the interests of the proposed class; and

4. That based on the parties' submissions, the court **WILL** either rule on the papers, order further briefing, convene an evidentiary hearing, or take such further action as the court in its discretion deems proper and necessary.

Dated February 26, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge