ĺ	Case 4:24-cv-04093-JST Document 60	Filed 09/25/24	Page 1 of 6
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8	UNITED STATES	DISTRICT COUF	RT
9	NORTHERN DISTR	ICT OF CALIFOR	NIA
10	OAKLANI	D DIVISION	
11			
	RICHARD ALLEN CLARIDGE, CAPRI	Case No. 4:24-cv	-04093-JST
13	LYNN WINSER, TODD MICHERO, LORI MICHERO, BROOKE SAMPLE, SCOTT A.	STIPULATED I	REQUEST FOR ORDER ME TO RESPOND TO
14	WALKER, and ELIZABETH L. WALKER, on behalf of themselves and all others similarly situated,	DEFENDANTS	ME TO RESPOND TO MOTIONS TO DISMISS D LOCAL RULE 6-2
15	Plaintiffs,		
16	V.		
17	TIMOTHY J. LEFEVER, KENNETH W.		
	MATTSON, LEFEVER MATTSON, INC., KS MATTSON PARTNERS, LP, LEFEVER		
	MATTSON I, LLC, HOME TAX SERVICE OF AMERICA, INC. (d/b/a LEFEVER MATTSON PROPERTY MANAGEMENT), DIVI DIVI		
	TREE, LP, and SPECIALTY PROPERTIES PARTNERS, LP,		
22	Defendants.		
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-	1	STIPULA	TED REQUEST RE TIME TO RESPOND TO

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1	Pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 6-2, Plaintiffs	
2	Richard Allen Claridge, Capri Lynn Winser, Todd Michero, Lori Michero, Brook Sample, Scott	
3	A. Walker, and Elizabeth L. Walker ("Plaintiffs"), Defendant Timothy J. LeFever ("LeFever"),	
4	and Defendants Kenneth W. Mattson, KS Mattson Partners LP and Specialty Property Partners,	
5	LP ("Mattson Defendants"), by and through their respective counsel of record, hereby jointly	
6	request as follows:	
7	WHEREAS, on July 8, 2024, Plaintiffs filed a complaint in the above-captioned case	
8	(ECF No. 1) ("Complaint");	
9	WHEREAS, on September 16, 2024, the Mattson Defendants filed a motion to dismiss the	
10	Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to be heard on	
11	November 7, 2024 (ECF No. 56);	
12	WHEREAS, on September 19, 2024, Defendant LeFever filed a motion to dismiss the	
13	Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(7), and joined certain	
14	portions of the Mattson Defendants' motion to dismiss, to be heard on November 14, 2024 (ECF	
15	No. 57);	
16	WHEREAS, in the interest of coordinating Plaintiffs' response to the two motions to	
17	dismiss through a single consolidated opposition brief or through amendment pursuant to Federal	
18	Rule of Civil Procedure Rule 15, the parties conferred and agreed to a modified schedule and	
19	coordinated hearing date for the motions;	
20	WHEREAS, Plaintiffs and Defendant LeFever previously agreed to an extension of time	
21	for Defendant LeFever to respond to the Complaint; and	
22	WHEREAS, discovery remains ongoing and the Court has not yet entered scheduling	
23	order, and therefore this extension will have no impact on the schedule for the case; <sup>1</sup>	
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26	<sup>1</sup> The Mattson Defendants note that Defendants LeFever Mattson, Inc.; LeFever Mattson I, LLC; Home Tax Service of America, Inc.; and Divi Divi Tree, I P have recently filed for bankruptov	
27	Home Tax Service of America, Inc.; and Divi Divi Tree, LP have recently filed for bankruptcy and any claims against them are subject to an automatic stay. The Mattson Defendants enter into	
28	this stipulation without any prejudice and without waiving any right to seek a stay as to all claims in light of the bankruptcy filing by those indispensable parties. Plaintiffs reserve the right to oppose any such motion.	
	oppose any such motion. 2100455 1 STIPULATED REQUEST RE TIME TO RESPOND TO DEFENDANTS' MOTIONS TO DISMISS (L. P. 6.2)	

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1	THEREFORE, IT IS HEREBY STIPUPALTED AND AGREED that:	
2	1. Plaintiffs shall file a single consolidated response to Defendants' motions to	
3	dismiss, or otherwise amend the Complaint pursuant to Rule 15, no later than October 17, 2024;	
4	and	
5	2. In the event Plaintiffs file a response to Defendants' motions to dismiss, the	
6	Mattson Defendants and Defendant LeFever shall file replies no later than October 31, 2024, and	
7	a hearing on the motions shall be set for November 14, 2024, or at the Court's convenience.	
8		
9	Dated: September 25, 2024 /s/ Michael K. Sheen	
10	Michael K. Sheen	
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12	Katherine Lubin Benson (SBN 259826) Michael K. Sheen (SBN 288284)	
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11	Counsel for Plaintiffs and the Proposed Class and Subclass
12	
13	<u>/s/ Stanley G. Roman</u> Stanley G. Roman
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I	Case 4:24-cv-04093-JST Document 60 Filed 09/25/24 Page 5 of 6
1	
2	/s/ John McHugh
2	John McHugh
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14	ajones@fennemorelaw.com
15 16	Attorneys for Defendants Kenneth W. Mattson, KS Mattson Partners, LP, and Specialty Properties Partners, LP
17	PURSUANT TO STIPULATION, IT IS SO ORDERED.
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19	DATED:
20	The Honorable Jon S. Tigar United States District Judge
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I	Case 4:24-cv-04093-JST Document 60 Filed 09/25/24 Page 6 of 6
1	Attestation Pursuant to Local Rule 5-1(i)(3)
2	Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document
3	has been obtained from each of the other signatories.
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5	Dated: September 25, 2024/s/ Michael K. SheenMichael K. Sheen
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I	Case 4:24-cv-04093-JST Document 60-1	Filed 09/25/24 Page 1 of 3
1 2 3 4 5 6 7 8 9	Joseph W. Cotchett (SBN 36324) Blair V. Kittle (SBN 336367) Vasti S. Montiel (SBN 346409) David G. Hollenberg (SBN 325408) COTCHETT, PITRE & McCARTHY, LLP San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010 Telephone: (650) 697-6000 Facsimile: (650) 697-0577 Elizabeth J. Cabraser (SBN 83151) Richard M. Heimann (SBN 63607) Katherine Lubin Benson (SBN 259826) Michael K. Sheen (SBN 288284) LIEFF CABRASER HEIMANN & BERNSTEIN, LLP 275 Battery Street, 29 <sup>th</sup> Floor	David S. Casey, Jr. (SBN 60768) Frederick Schenk (SBN 86392) Gayle M. Blatt (SBN 122048) Jeremy K. Robinson (SBN 188325) P. Camille Guerra (SBN 326546) Michael J. Benke (SBN 271292) CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP 110 Laurel St. San Diego, CA 92101 Telephone: (619) 848-3544 Facsimile (619) 544-9232
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12	Attorneys for Plaintiffs and the Proposed Class and Subclass	
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14	UNITED STATES DISTRICT COURT	
15	NORTHERN DISTRICT OF CALIFORNIA	
16	OAKLAND	DIVISION
17		
18	RICHARD ALLEN CLARIDGE, CAPRI LYNN WINSER, TODD MICHERO, LORI	Case No. 4:24-cv-04093-JST
19	MICHERO, BROOKE SAMPLE, SCOTT A. WALKER, and ELIZABETH L. WALKER, on	DECLARATION OF MICHAEL K. SHEEN IN SUPPORT OF STIPULATED REQUEST
20	behalf of themselves and all others similarly situated,	FOR ORDER CHANGING TIME TO RESPOND TO DEFENDANTS' MOTIONS
21	Plaintiffs,	<b>TO DISMISS</b>
22	v.	
23	TIMOTHY J. LEFEVER, KENNETH W.	
24	MATTSON, LEFEVER MATTSON, INC., KS MATTSON PARTNERS, LP, LEFEVER	
	MATTSON I, LLC, HOME TAX SERVICE OF AMERICA, INC. (d/b/a LEFEVER MATTSON	
26 27	PROPERTY MANAGEMENT), DIVI DIVI TREE, LP, and SPECIALTY PROPERTIES PARTNERS, LP,	
27	Defendants.	
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1	I, Michael K. Sheen, declare as follows:	
2	1. I am an attorney duly licensed to practice law in the State of California and am	
3	admitted to practice in this Court. I am a partner at the law firm of Lieff Cabraser Heimann &	
4	Bernstein, LLP, which serves as counsel for Plaintiffs Richard Allen Claridge, Capri Lynn	
5	Winser, Todd Michero, Lori Michero, Brook Sample, Scott A. Walker, and Elizabeth L. Walker	
6	("Plaintiffs"). I submit this declaration in support of the Stipulated Request for Order Changing	
7	Time to Respond to Defendants' Motion to Dismiss Pursuant to L.R. 6-2.	
8	2. On July 8, 2024, Plaintiffs filed a complaint in the above-captioned case (ECF No.	
9	1) ("Complaint").	
10	3. On September 16, 2024, Defendants Kenneth W. Mattson, KS Mattson Partners	
11	LP and Specialty Property Partners, LP (the "Mattson Defendants") filed a motion to dismiss the	
12	Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to be heard on	
13	November 7, 2024 (ECF No. 56). Plaintiffs' current deadline to respond to the Mattson	
14	Defendants' motion is September 30, 2024.	
15	4. On September 19, 2024, Defendant Timothy J. LeFever ("LeFever") filed a	
16	motion to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and	
17	12(b)(7), and joined certain portions of the Mattson Defendants' motion to dismiss, to be heard on	
18	November 14, 2024 (ECF No. 57). Plaintiffs' current deadline to respond to LeFever's motion is	
19	October 3, 2024.	
20	5. In the interest of coordinating Plaintiffs' response to the two motions to dismiss	
21	through a single consolidated opposition brief or through amendment pursuant to Federal Rule of	
22	Civil Procedure Rule 15, the parties conferred and agreed to a modified schedule and coordinated	
23	hearing date for the motions.	
24	6. Plaintiffs and Defendant LeFever previously agreed to two extensions of time for	
25	Defendant LeFever to respond to the Complaint. See ECF Nos. 29, 55.	
26	7. Discovery remains ongoing and the Court has not yet entered a scheduling order.	
27	Accordingly, the proposed extension will have no impact on the schedule for the case.	
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1	I declare under penalty of perjury that the foregoing is true and correct. Executed this
2	25th day of September, 2024, at San Francisco, California.
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4	/s/ Michael K. Sheen
5	Michael K. Sheen
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