

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RICHARD ALLEN CLARIDGE, CAPRI
LYNN WINSER, TODD MICHERO, LORI
MICHERO, BROOKE SAMPLE, SCOTT A.
WALKER, and ELIZABETH L. WALKER, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

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,

Defendants.

Case No. 4:24-cv-04093-JST

**STIPULATED REQUEST FOR ORDER
CHANGING TIME TO RESPOND TO
DEFENDANTS' MOTIONS TO DISMISS
PURSUANT TO LOCAL RULE 6-2**

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 6-2, Plaintiffs Richard Allen Claridge, Capri Lynn Winsor, Todd Michero, Lori Michero, Brook Sample, Scott A. Walker, and Elizabeth L. Walker (“Plaintiffs”), Defendant Timothy J. LeFever (“LeFever”), and Defendants Kenneth W. Mattson, KS Mattson Partners LP and Specialty Property Partners, LP (“Mattson Defendants”), by and through their respective counsel of record, hereby jointly request as follows:

WHEREAS, on July 8, 2024, Plaintiffs filed a complaint in the above-captioned case (ECF No. 1) (“Complaint”);

WHEREAS, on September 16, 2024, the Mattson Defendants filed a motion to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to be heard on November 7, 2024 (ECF No. 56);

WHEREAS, on September 19, 2024, Defendant LeFever filed a motion to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(7), and joined certain portions of the Mattson Defendants’ motion to dismiss, to be heard on November 14, 2024 (ECF No. 57);

WHEREAS, in the interest of coordinating Plaintiffs’ response to the two motions to dismiss through a single consolidated opposition brief or through amendment pursuant to Federal Rule of Civil Procedure Rule 15, the parties conferred and agreed to a modified schedule and coordinated hearing date for the motions;

WHEREAS, Plaintiffs and Defendant LeFever previously agreed to an extension of time for Defendant LeFever to respond to the Complaint; and

WHEREAS, discovery remains ongoing and the Court has not yet entered scheduling order, and therefore this extension will have no impact on the schedule for the case;¹

¹ The Mattson Defendants note that Defendants LeFever Mattson, Inc.; LeFever Mattson I, LLC; 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 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.

THEREFORE, IT IS HEREBY STIPUPALTED AND AGREED that:

1. Plaintiffs shall file a single consolidated response to Defendants' motions to dismiss, or otherwise amend the Complaint pursuant to Rule 15, no later than **October 17, 2024**; and

2. In the event Plaintiffs file a response to Defendants' motions to dismiss, the Mattson Defendants and Defendant LeFever shall file replies no later than **October 31, 2024**, and a hearing on the motions shall be set for **November 14, 2024**, or at the Court's convenience.

Dated: September 25, 2024

/s/ Michael K. Sheen

Michael K. Sheen

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Richard M. Heimann (SBN 63607)
Katherine Lubin Benson (SBN 259826)
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Attorneys for Defendant Timothy J. LeFever

Attestation Pursuant to Local Rule 5-1(i)(3)

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: September 25, 2024

/s/ Michael K. Sheen
Michael K. Sheen

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Attorneys for Plaintiffs and the Proposed Class and Subclass

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Case No. 4:24-cv-04093-JST

**DECLARATION OF MICHAEL K. SHEEN
 IN SUPPORT OF STIPULATED REQUEST
 FOR ORDER CHANGING TIME TO
 RESPOND TO DEFENDANTS' MOTIONS
 TO DISMISS**

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 Lief Cabraser Heimann &
4 Bernstein, LLP, which serves as counsel for Plaintiffs Richard Allen Claridge, Capri Lynn
5 Winsor, 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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