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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
17 Tuition and Fees COVID-19
18 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*
27

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.

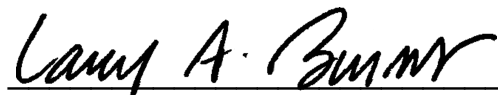
16 14. Defendant must file their response to the consolidated complaint
17 no later than **21 days** after that pleading is filed.

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19 **IT IS SO ORDERED.**

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21 Date: April 7, 2021



Hon. Larry Alan Burns
United States District Judge

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