

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COLIN SCHOLL, et al.,

Plaintiffs,

v.

STEVEN MNUCHIN, et al.,

Defendants.

Case No. 20-cv-05309-PJH

**ORDER DENYING MOTION FOR
STAY AND GRANTING MOTION FOR
RECONSIDERATION**

Re: Dkt. No. 78

Defendants' motion for stay pending appeal came on for hearing before this court on October 15, 2020. Plaintiffs appeared through their counsel, Kelly Dermody, Yaman Salahi, Christina Alvernaz, Mona Tawatao, and Jallé Dafa. Defendants appeared through their counsel, Landon Yost. Having read the papers filed by the parties and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby rules as follows, for the reasons stated at the hearing, and the following reasons.

On October 7, 2020, this court issued an order that, in relevant part, ordered defendants to mail notice to class members no later than October 15, 2020. Dkt. 69 at 5–6. On October 9, 2020, defendants filed the present motion for stay of the court's October 7th order. Dkt. 78. As stated at the hearing, the court DENIES the motion to stay and instead construes defendants' motion as a motion for reconsideration of the deadlines set in the court's October 7th order and GRANTS defendants' motion.

As agreed at the hearing, defendants shall immediately compile packets containing legal notice, IRS Forms 1040, and instructions for completing and mailing the

Form 1040 to class members by October 27, 2020 but in no event later than October 28, 2020 and shall use best efforts to effectuate notice prior to this deadline, by for example, mailing packets on a rolling basis rather than at one time. Defendants shall include a cover letter in each mailing to individual correctional facilities notifying officials of the purpose, contents, and timing of the mailed packets they will be receiving and urging them to distribute the contents of the packets to all incarcerated individuals as soon as they arrive. Using their existing electronic channels of communication, defendants shall also transmit instructions to correctional facilities informing officials of the incoming packets, the contents and purpose of the packets, and the need to distribute the materials in the packets in an expeditious manner. The parties may meet and confer on the language for these separate cover letters.

As further stated at the hearing, the court ORDERS defendants to extend the deadline for class members to postmark any simplified paper tax returns to no later than November 4, 2020. The court understands that the parties will update the legal notice (Dkt. 86-4) and instructions on completing Form 1040 (Dkt. 86-2) to reflect the deadline extension of November 4, 2020. Finally, the court will hold a status conference to be convened on a date immediately following mailing of the packets. The parties should contact the court's courtroom deputy to propose dates and times for such status conference.

IT IS SO ORDERED.

Dated: October 16, 2020

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge