

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRIAN PERRY and KIM PERRY, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

EQUITY RESIDENTIAL MANAGEMENT
LLC.,

Defendant.

No. 1:12-cv-10779-RWZ

CHERYL MILLER, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

EQUITY RESIDENTIAL MANAGEMENT
LLC,

Defendant.

No. 1:12-cv-10836-RWZ

**MOTION OF PLAINTIFFS BRIAN PERRY, KIM PERRY AND CHERYL MILLER
TO CONSOLIDATE RELATED ACTIONS AND APPOINT INTERIM CLASS
COUNSEL AND FOR ENTRY OF PRETRIAL ORDER NO. 1**

Pursuant to Rules 42(a) and 23(g)(3) of the Federal Rules of Civil Procedure, plaintiffs Brian Perry, Kim Perry, and Cheryl Miller (collectively, "Plaintiffs") respectfully move this Court to enter Plaintiffs' [Proposed] Pretrial Order No. 1 to Consolidate Related Actions and Appoint Interim Class Counsel (the "Motion"). Plaintiffs request this consolidation and appointment to ensure the efficient and orderly prosecution of these related class action cases and the best possible representation for the proposed Class alleged therein.

This Motion is submitted on behalf of the plaintiffs in *Perry v. Equity Residential Management LLC.*, No. 1:12-cv-10779-RWZ (D. Mass., filed May 1, 2012) and *Miller v. Equity*

Residential LLC., No. 1:12-cv-10836-RWZ (D. Mass., filed May 8, 2012) and is supported by Plaintiffs' Memorandum of Law in Support of Motion to Consolidate Related Actions and Appoint Interim Class Counsel and for Entry of Pretrial Order No. 1 and the Declaration of David Pastor, filed contemporaneously herewith, all pleadings and papers filed herein, and such other evidence and argument that may be presented at the hearing.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

The undersigned counsel certify that they have conferred with counsel for Defendant in a good faith effort to resolve or narrow the issues raised by this Motion, with the following result: Defendant has stated that it will oppose this Motion.

Respectfully submitted,

DATED: June 1, 2012

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/s/ David Pastor

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Plaintiffs' Proposed Interim Class Counsel

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Plaintiffs' Counsel

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 1, 2012.

/s/ David Pastor
DAVID PASTOR (BBO#391000)