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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 ELISA CABEBE, HILLARY DICK, ISRAEL
24 CHIA, ALEXANDRA MCCULLOUGH,
25 MONTELL JONES, KEVIN BURKE,
26 ARNIKA IRELAND, JEANINE INGRASSIA,
27 SEIJI SILER-HYATTE, LASHANDRIKA
28 WILLIAMS, LAURA WINDOM, and
Michael Kanzler, Individually and On
Behalf of a Class of Similarly Situated
Individuals,

Plaintiffs,

v.

NISSAN OF NORTH AMERICA, INC.

Defendant.

Case No. 3:18-cv-00144-WHO

**JOINT STIPULATION AND ORDER
EXTENDING CASE MANAGEMENT
CONFERENCE, BRIEFING
SCHEDULE AND HEARING DATE ON
DEFENDANT'S MOTION TO DISMISS
PORTIONS OF PLAINTIFFS'
SECOND AMENDED COMPLAINT**

1 Pursuant to Local Rule 6-1(b) and 6-2, Plaintiffs Elisa Cabebe, Hillary Dick, Israel Chia,
2 Alexandra McCullough, Montell Jones, Kevin Burke, Arnika Ireland, Jeanine Ingrassia, Seiji Siler-
3 Hyatte, Lashandrika Williams, Laura Windom, and Michael Kanzler (“Plaintiffs”) and Defendant
4 Nissan North America, Inc. (“NNA” or “Defendant”) (collectively, the “Parties”), hereby submit
5 this Joint Stipulation and [Proposed] Order Extending the Case Management Conference, Briefing
6 Schedule and Hearing Date on Defendant’s Motion to Dismiss Portions of Plaintiffs’ Second
7 Amended Complaint.
8

9 WHEREAS Plaintiff Elisa Cabebe filed the within action on January 8, 2018 and served
10 her Complaint on January 24, 2018;

11 WHEREAS, the Court granted two previous stipulated requests extending Defendant’s
12 responsive pleading deadline (ECF 16 and ECF 20);

13 WHEREAS Defendant filed a Motion to Dismiss on March 7, 2018 (ECF 21);

14 WHEREAS on March 29, 2018 the Court granted the Parties’ Joint Stipulation to extend
15 the deadline for Plaintiff Cabebe to file an Amended Complaint, set a briefing Schedule, and to
16 continue the Case Management Conference (ECF 26);
17

18 WHEREAS Plaintiff Cabebe filed a First Amended Class Action Complaint on April 19,
19 2018, adding Plaintiffs Dick, Chia, and McCullough (ECF 28);

20 WHEREAS on May 9, 2018, NNA filed its Motion to Dismiss Portions of Plaintiffs’ First
21 Amended Complaint (ECF 31);
22

23 WHEREAS on October 26, 2018, while NNA’s motion to dismiss was still pending, the
24 Court approved a Joint Stipulation extending the deadline for Plaintiffs Cabebe, Dick, Chia, and
25 McCullough to file a Second Amended Complaint until 21 Days after the Order on the pending
26 Motion to Dismiss (ECF 44) and later that day granted in part and denied in part Defendant’s
27
28

1 Motion to Dismiss (ECF 45) and therein set a deadline of November 15, 2018 for Plaintiffs to file
2 a Second Amended Complaint (“SAC”);

3 WHEREAS on November 9, 2018, in light of Plaintiffs’ representation that Plaintiffs were
4 in the process of adding additional class representatives from multiple states, the Parties filed a
5 Joint Stipulation Extending the Deadline to File the SAC and Setting a Briefing Schedule Thereto
6 (ECF 46);

7
8 WHEREAS on January 2, 2019 the Parties filed a Joint Case Management Statement and
9 therein requested further extensions of the briefing schedule related to Plaintiffs’ SAC (ECF 50).
10 The extensions were requested in light of the fact that Plaintiffs’ SAC added class representatives
11 from six additional states, and multiple additional related claims. On January 8, 2019 the Parties
12 attended a further case management conference and thereafter the Court issued a case management
13 order approving the Parties’ requested briefing schedule (ECF 51);

14
15 WHEREAS counsel for the Parties have commitments in this matter on the East Coast
16 during the week of April 15, 2019 (the week Plaintiffs’ Opposition brief is due). *See*
17 accompanying Declaration of Mark S. Greenstone (“Greenstone Dec.”), ¶ 2. In addition, since
18 the time that Defendant filed its pending Motion to Dismiss, two of Plaintiffs’ attorneys have
19 experienced health-related issues that have required them to be out of the office intermittently.
20 *Id.* In light of the foregoing and the complexity of the issues raised by Defendant’s pending
21 Motion to Dismiss, the Parties agree that a brief two-week extension of the briefing schedule and
22 hearing date is merited. *Id.*

23
24 WHEREAS no previous continuances have been sought other than those described herein;

25 WHEREAS the continuance sought herein will not impact any other case deadlines.
26 Greenstone Decl., at ¶ 3;

27 IT IS HEREBY STIPULATED AND AGREED, subject to Court approval, as follows:
28

1 1. The April 19, 2019 deadline for Plaintiffs' Opposition to Defendants' Motion to
2 Dismiss Portions of Plaintiffs' Second Amended Complaint shall be continued until May 3, 2019.

3 2. The May 13, 2019 deadline for Defendant's Reply in support of its Motion to
4 Dismiss shall be continued until May 28, 2019.

5 3. The May 29, 2019 Case Management Conference and hearing on Defendant's
6 Motion to Dismiss shall each be continued to June 12, 2019 at 2:00 p.m. or a date thereafter as set
7 by the Court.
8

9 **IT IS SO STIPULATED.**

10 Dated: April 8, 2019

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11
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20 By: /s/ Marc L. Godino

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24 Danielle L. Manning

Attorneys for Plaintiffs

25 Dated: April 8, 2019

DRINKER BIDDLE & REATH LLP

26 By: /s/ Adam J. Thurston

27 Adam J. Thurston
28 Zoe K. Wilhelm
Matthew J. Adler
E. Paul Cauley Jr. (*pro hac vice*)

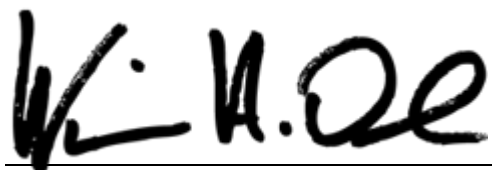
Attorneys for Defendant

NISSAN NORTH AMERICA, INC.

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PURSUANT TO STIPULATION, IT IS SO ORDERED: The May 29, 2019 Case Management Conference and hearing on Defendant's Motion to Dismiss shall each be continued to June 12, 2019 at 2:00 p.m.

Dated: April 9, 2019



HON. WILLIAM H. ORRICK
UNITED STATES DISTRICT COURT

