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6 Attorneys for Defendants
 CARMAX AUTO SUPERSTORES CALIFORNIA, LLC and
 7 CARMAX AUTO SUPERSTORES WEST COAST, INC.

8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

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JAMES ROWLAND on behalf of himself and
 all others similarly situated,

 Plaintiffs,

 v.

 CARMAX AUTO SUPERSTORES
 CALIFORNIA, LLC, a limited liability
 company; CARMAX AUTO SUPERSTORES
 WEST COAST, INC., a corporation, and
 DOES 1-100, inclusive,

 Defendants.

Case No. 2:16-cv-02135-VGC

**STIPULATION AND ~~PROPOSED~~ ORDER
 STAYING CASE**

 Complaint Filed: September 7, 2016
 Trial Date: None
 District Judge: Hon. Vince G. Chhabria
 Courtroom 4, 17th Floor
 San Francisco

1 Plaintiff James Rowland (“Plaintiff”) and defendants CarMax Auto Superstores California,
2 LLC and CarMax Auto Superstores West Coast, Inc. (together, “CarMax”) (collectively, the
3 “Parties”), by and through their respective counsel, stipulate as follows:

4 WHEREAS, on October 11, 2016, CarMax filed a Motion to Compel Arbitration [Dkt No.
5 6];

6 WHEREAS, on January 18, 2017, the Court entered an Order Denying Motion to Compel
7 Without Prejudice (the “Order”) [Dkt No. 25];

8 WHEREAS, in the Order, the Court dismissed the Complaint without prejudice so that
9 Plaintiff could file an amended complaint which adequately alleged jurisdiction under the Class
10 Action Fairness Act;

11 WHEREAS, in the Order, the Court also indicated its “tentative view that if an amended
12 complaint were filed, the case would need to be stayed pending the Supreme Court’s decision in
13 *Ernst & Young LLP v. Morris*. United States Supreme Court Docket No. 16-300. Accordingly, if
14 the plaintiff files an amended complaint, the Court will entertain a motion to stay the case.”

15 WHEREAS, on February 1, 2017, Plaintiff filed a First Amended Class Action Complaint;

16 WHEREAS, in an effort to avoid motion practice, the Parties have met and conferred and
17 agree with the Court’s tentative view that this matter should be stayed pending the Supreme
18 Court’s decision in the *Morris* case and related appeals. (United States Supreme Court Docket No.
19 16-300).

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1 THEREFORE, Plaintiff and CarMax stipulate and request that this matter be stayed in light
2 of the Supreme Court's anticipated decision in *Morris*. The Parties further stipulate that, within
3 twenty-one (21) days of the Supreme Court issuing its decision in *Morris*, the Parties will notify
4 the Court of the decision by the Supreme Court.

5 DATED: February 7, 2017

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

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By: /s/ Alexander M. Chemers
Jack S. Sholkoff
Alexander M. Chemers

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Attorneys for Defendants
CARMAX AUTO SUPERSTORES
CALIFORNIA, LLC and CARMAX AUTO
SUPERSTORES WEST COAST, INC.

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13 DATED: February 7, 2017

HUMPHREY & RIST, LLP

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By: /s/ Christina A. Humphrey
Christina A. Humphrey

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Attorneys for Plaintiff
JAMES ROWLAND

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ORDER

The Court, having reviewed the Stipulation of the Parties and finding good cause, hereby ORDERS that this matter be stayed for all purposes in light of the Supreme Court’s anticipated decision in the *Morris* case, United States Supreme Court Docket No. 16-300. The Court FURTHER ORDERS the Parties to inform the Court of the Supreme Court’s decision in *Morris* within twenty-one (21) days of the Supreme Court issuing its decision in *Morris*.

IT IS SO ORDERED

Dated: February 8, 2017



Hon. Vince G. Chhabria
United States District Judge