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5 Attorney for Defendant  
 TOYOTA MOTOR SALES U.S.A., INC.

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 7  
 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

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 11 MELINDA ESPINELI and MOHAMMAD  
 MOGHADDAM, as individuals and on behalf  
 12 of all others similarly situated,  
 13 Plaintiffs,  
 14 vs.  
 15 TOYOTA MOTOR SALES U.S.A., INC., a  
 California corporation; TOYOTA MOTOR  
 16 CORPORATION, a Japanese Corporation; and  
 DOES 1 through 100, inclusive,  
 17  
 18 Defendants.

Case No. 2:17-cv-00698-KJM-CKD

Judge: Hon. Kimberly J. Mueller

**STIPULATION AND ORDER SETTING  
 DATES IN CONNECTION WITH  
 PLAINTIFFS' MOTION FOR LEAVE TO  
 AMEND AND DEFENDANT'S MOTION TO  
 DISMISS**

19  
 20 Pursuant to Eastern District of California Civil Local Rules 143 and 144, the parties hereby  
 21 stipulate as follows:

22 Following the Court's May 24, 2019 order dismissing Plaintiffs' First Amended Class Action  
 23 Complaint (Dkt. No. 58), Plaintiffs filed their Second Amended Class Action Complaint on June 14,  
 24 2019 (Dkt. No. 60). Toyota filed a motion to dismiss the Second Amended Class Action Complaint  
 25 on July 12, 2019 and noticed the hearing for September 20, 2019. (Dkt. 64-1). On August 15, 2019,  
 26 the Court approved the Parties' stipulation to modify the deadline for Plaintiffs' opposition to Toyota's  
 27 motion to dismiss, ordering Plaintiffs' opposition to be filed by August 23, 2019 and that the deadline  
 28

1 for Defendant's reply and the hearing date on the motion to dismiss remained unchanged. (Dkt. No.  
2 76).

3 Following Plaintiffs' ex parte application, on August 21, 2019, the Court issued a Minute Order  
4 continuing Defendant's pending motion to dismiss hearing to November 15, 2019 to allow the Court  
5 to hear Plaintiffs' Motion for Leave to Amend on a normal briefing schedule. (Dkt. No. 80).

6 On August 23, 2019, the Court issued a Minute Order that approved the Parties' stipulation to  
7 a September 23, 2019 deadline for Plaintiffs' opposition to Toyota's motion to dismiss, and an October  
8 7, 2019 deadline for Defendant's reply (Dkt. No. 82).

9 On August 28, 2019, Plaintiffs filed their Motion for Leave to file an Amended Complaint  
10 pursuant to the Court's August 21, 2019 Minute Order and noticed that hearing for October 4, 2019.  
11 (Dkt. No. 83). On its own motion, the Court reset that hearing to October 3, 2019 and ordered that  
12 filing deadlines would also be set as provided by Local Rule 230. (Dkt. No. 84). In addition, the  
13 Court issued a Minute Order on September 16, 2019 vacating the November 15, 2019 hearing date on  
14 Toyota's motion to dismiss and resetting it for November 22, 2019. Filing deadlines on Toyota's  
15 motion to dismiss were also reset as provided by Local Rule 230. (Dkt. No. 87).

16 To accommodate pre-existing conflicts for Toyota's counsel as to the hearing date on  
17 Plaintiffs' Motion for Leave to File an Amended Complaint and to provide counsel with adequate time  
18 to brief the pending motions, the Parties stipulate, subject to the Court's approval, as follows:

Event	Deadline
Toyota's Opposition to Plaintiffs' Motion for Leave to Amend Complaint	October 9, 2019
Plaintiffs' Reply in Support of their Motion for Leave to Amend Complaint	October 25, 2019
Hearing on Plaintiffs Motion for Leave to Amend Complaint	November 1, 2019 at 10:00 a.m.

1 2	Plaintiffs' Opposition to Toyota's Motion to Dismiss Second Amended Complaint	November 8, 2019 by 10:00 a.m. PST
3 4	Toyota's Reply in Support of its Motion to Dismiss Second Amended Complaint	November 15, 2019
5 6	Hearing on Toyota's Motion to Dismiss Second Amended Complaint	November 22, 2019 at 10:00 a.m.

7 In addition, if the Court takes the motion to amend under submission either prior to or at the  
8 hearing on November 1, the Parties stipulate that Plaintiffs may request that the Court continue, stay,  
9 or vacate the briefing schedule and/or hearing on the motion to dismiss pending its decision on the  
10 motion to amend. Toyota agrees to the form and procedure of request and will not object on those  
11 grounds. Toyota reserves the right to oppose the substance of the request to continue the motion to  
12 dismiss briefing schedule and/or hearing.

13 **IT IS SO STIPULATED.**

14 Dated: September 17, 2019

Respectfully submitted,  
SHOOK, HARDY & BACON L.L.P.

16 By: /s/ Amir Nassihi  
Amir Nassihi  
17 Attorney for Defendant  
Toyota Motor Sales U.S.A.

18 Dated: September 17, 2019

Respectfully submitted,  
KERSHAW, COOK & TALLEY PC

20 By: /s/ Ian Barlow (authorized on 9/17/19)

21 William A. Kershaw  
22 Stuart C. Talley  
23 Ian J. Barlow  
Attorneys for Plaintiffs  
24 Melinda Espineli and Mohammad Moghaddam

25 **IT IS SO ORDERED.**

26 Dated: September 20, 2019.

  
UNITED STATES DISTRICT JUDGE