

1 DYKEMA GOSSETT LLP
2 Tamara A. Bush (SBN: 197153)
3 tbush@dykema.com
4 Ashley R. Fickel (SBN: 237111)
5 afickel@dykema.com
6 333 South Grand Avenue
7 Suite 2100
8 Los Angeles, CA 90071
9 Telephone: (213) 457-1800
10 Facsimile: (213) 457-1850

11 Attorneys for Plaintiff
12 FORD MOTOR COMPANY

13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**
15 **SACRAMENTO DIVISION**

16 FORD MOTOR COMPANY,
17
18 Plaintiff,
19
20 vs.
21
22 NAVEX TRADING COMPANY, INC.
23 d/b/a NEW AUTOS INC.,
24
25 Defendant.

Case No.: 2:17-cv--02481-WBS-CMK

Assigned to Hon. William B. Shubb
Courtroom: 5

**STIPULATION AND [PROPOSED]
ORDER TO VACATE THE
HEARING AND BRIEFING
SCHEDULE FOR PRELIMINARY
INJUNCTION MOTION**

Complaint Filed: November 22, 2017

26 WHEREAS, on November 22, 2017 Plaintiff Ford Motor Company (“Ford”)
27 filed a Complaint in this action against Defendant Navex Trading Company, Inc.
28 d/b/a New Autos, Inc. (“New Autos”) asserting causes of action for Intentional
Interference with Contract, Equitable Servitude and Declaratory Relief.

WHEREAS, on November 22, 2017, Ford filed an Ex Parte Application for
Temporary Restraining Order against Defendant New Autos in which Ford sought an
order enjoining New Autos from transferring or otherwise disposing of the 2017 Ford
GT which is the subject of Ford’s complaint.

1 WHEREAS, on November 27, 2017, this court held a hearing on Ford's
2 Application for Temporary Restraining Order and denied same.

3 WHEREAS, during the November 27, 2017 hearing, Ford represented that it
4 would move forward with a Motion for Preliminary Injunction seeking the same
5 relief as the Temporary Restraining Order. Accordingly, the Court issued an order
6 setting a briefing schedule for the Motion for Preliminary Injunction as well as a
7 hearing date. *See* ECF DKT 8

8 WHEREAS, following the November 27, 2017 hearing, defendant submitted to
9 the court and provided to Ford paperwork regarding the legal ownership of the
10 subject vehicle. Counsel for defendant has also since provided additional information
11 to Ford's counsel.

12 WHEREAS, in light of the information shared by New Autos since the
13 November 27, 2017 hearing, Ford has determined not to move forward with a Motion
14 for Preliminary Injunction at this time.

15 **IT IS THEREFORE STIPULATED BETWEEN THE PARTIES THAT:**

16 1. The briefing schedule and hearing date for Ford's not-yet-filed Motion
17 for Preliminary Injunction be vacated.

18
19 Dated: December 1, 2017

DYKEMA GOSSETT LLP

20

By: /s/ Tamara A. Bush

21

Tamara A. Bush

22

Ashley R. Fickel

23

Attorneys for Plaintiff

24

FORD MOTOR COMPANY

25 AS AUTHORIZED ON:

MILES MCLEOD, APLC

26 Dated: December 1, 2017

By: /s/ Brady D. McLeod

27

Brady D. McLeod

28

Attorneys for Defendant

NAVEX TRADING COMPANY,
INC. d/b/a NEW AUTOS INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Having reviewed the Parties’ Stipulation and [Proposed] Order To Vacate the Hearing and Briefing Schedule for Preliminary Injunction Motion, and for good cause appearing, **IT IS HEREBY ORDERED THAT:**

1. The briefing schedule and hearing date for Ford’s not-yet-filed Motion for Preliminary Injunction be vacated.

IT IS SO ORDERED.

DATED: December 6, 2017

By: /s/ Hon. John A. Mendez
for HON. WILLIAM B. SHUBB

4814-9544-1495.1
ID\BUSH, TAMARA - 106148\000108