

1 Sara B. Brody (SBN 130222)
 sbrody@sidley.com
 2 Ryan M. Sandroek (SBN 251781)
 rsandroek@sidley.com
 3 SIDLEY AUSTIN LLP
 555 California Street
 4 San Francisco, California 94104
 Tel.: (415) 772-1200
 5 Fax: (415) 772-7400

6 David B. Johnson (*pro hac vice*)
 djohnson@sidley.com
 7 Michael C. Andolina (*pro hac vice*)
 mandolina@sidley.com
 8 Andrianna D. Kastanek (*pro hac vice*)
 akastanek@sidley.com
 9 SIDLEY AUSTIN LLP
 One South Dearborn Street
 10 Chicago, Illinois 60603
 Tel.: (312) 853-7000
 11 Fax: (312) 853-7036

12 **Attorneys For Defendant**
 13 **AMERICAN HONDA MOTOR CO.**

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 LISA S. PRATI, on behalf of himself and all)	Case No. 09-CV-00444 TEH
others similarly situated,)	
)	Assigned to: Hon. Thelton E. Henderson
18 Plaintiffs,)	
)	STIPULATION AND [PROPOSED] ORDER
19 v.)	FURTHER CONTINUING CASE
)	MANAGEMENT CONFERENCE
20)	
21 AMERICAN HONDA MOTOR CO., INC.,)	
)	
22 Defendant.)	
)	

1 **STIPULATION**

2 WHEREAS, this action is one of two pending suits involving air conditioner condenser units
3 of vehicles distributed by Defendant American Honda Motor Co., Inc. (“Defendant” or “Honda”).

4 WHEREAS, on September 26, 2008, the first suit was filed against Honda, which suit
5 remains pending as *Alin v. American Honda Motor Co., Inc.*, No. 2:08-cv-4825 (“*Alin*”) in the
6 United States District Court for the District of New Jersey.

7 WHEREAS, on January 30, 2009, plaintiff Lisa S. Prati (“Plaintiff” or “Prati”) filed this suit
8 against Honda.

9 WHEREAS, on April 9, 2009, Honda filed a Motion To Stay Or Transfer Proceedings (the
10 “Motion”), requesting that the Court stay this proceeding pending class certification proceedings in
11 *Alin*, or, in the alternative, transfer this proceeding to the United States District Court for the District
12 of New Jersey for consolidated proceedings with *Alin*.

13 WHEREAS, on April 27, 2009, Plaintiff filed her first amended complaint.

14 WHEREAS, on May 15, 2009, Plaintiff filed her opposition to the Motion.

15 WHEREAS, Honda has filed a motion to dismiss in *Alin*, which has been fully-briefed and
16 argued.

17 WHEREAS, on June 2, 2009, Plaintiff and Honda (the “Parties”) filed a stipulation
18 requesting that this matter be stayed pending resolution of the motion to dismiss in *Alin*.

19 WHEREAS, as it had previously on June 3, 2009 and September 11, 2009, on November 10,
20 2009, in light of the pending motion in *Alin* and at the request of the parties, the Court entered an
21 order continuing the Case Management Conference.

22 WHEREAS, the Court’s November 10, 2009 order continued the Case Management
23 Conference until February 22, 2010, and stated that “Upon good cause being shown, the parties may
24 stipulate to change this date forward or back.”

25 WHEREAS, on December 18, 2009, the United States District Court for the District of New
26 Jersey heard oral argument on the motion to dismiss in *Alin*.

27 WHEREAS, the parties are also currently attempting to schedule a mediation of these
28 matters.

1 WHEREAS, the Parties stipulate that the pendency of the motion to dismiss in *Alin* and the
2 possibility of mediation in the same constitutes good cause, they further stipulate that the Case
3 Management Conference should be continued until May 24, 2010 or another date convenient to the
4 Court.

5 WHEREAS, the Parties further stipulate that the deadline to file the Joint Case Management
6 Statement shall be stricken.

7 WHEREAS, the Parties further stipulate that, upon good cause being shown, they may
8 stipulate to change the May 24, 2010 date forward or back.

9 WHEREAS, the Parties further stipulate that they each reserve their respective rights to
10 request or oppose transfer of the action to the United States District Court for the District of New
11 Jersey for consolidated proceedings with *Alin*.

12 THEREFORE, IT IS STIPULATED AND AGREED by the Parties, through their respective
13 counsel of record, as follows:

14 1. The pendency of the motion to dismiss in *Alin* and the possibility of mediation in the
15 same constitutes good cause for continuing the Case Management Conference set for February 22,
16 2010.

17 2. The Case Management Conference set for February 22, 2010 shall be continued until
18 May 24, 2010.

19 3. The deadline to file the Joint Case Management Statement shall be stricken.

20 4. Upon good cause being shown, the Parties may stipulate to change the May 24, 2010
21 date forward or back.

22 5. The Parties each reserve their respective rights to request or oppose transfer of the
23 action to the United States District Court for the District of New Jersey for consolidated proceedings
24
25
26
27
28

1 with *Alin*.

2 IT IS SO STIPULATED.

3 Dated: February 12, 2010

SIDLEY AUSTIN LLP

6 By: /s/ Ryan M. Sandrock

7 Attorneys for Defendant
American Honda Motor Co., Inc.

8 Dated: February 12, 2010

GOODIN, MACBRIDE, SQUERI, DAY &
LAMPREY, LLP

10 By: /s/ Wayne T. Lamprey

11 Attorneys For Plaintiff Lisa S. Prati

14 **PROPOSED ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 The parties shall file a joint case management statement or stipulation and
17 proposed order to continue the case management conference on or before May
17, 2010.

18 DATED: 02/16/10

19 THE HONORABLE THELTON E. HENDERSON

