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11 Attorneys for Defendant BMW North America, LLC

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

16 BRIAN Y. CHO, as an individual and on
behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 BWM OF NORTH AMERICA, LLC; and
20 DOES 1-100,

21 Defendants.

Case No: 3:09-cv-03880-SI

Judge Assigned: Hon. Susan Illston

**STIPULATION TO CONTINUE HEARING
 DATE AND BRIEFING SCHEDULE ON
 DEFENDANT'S MOTION TO DISMISS AND
 MOTION TO STRIKE: DECLARATION OF
 DANIEL H. CHANG IN SUPPORT THEREOF;
 [PROPOSED] ORDER**

[N.D. Cal. Local R. 6-2]

**STIPULATION TO CONTINUE HEARING DATE AND BRIEFING SCHEDULE ON DEFENDANT'S
 MOTION TO DISMISS AND MOTION TO STRIKE; CHANG DECL ISO; [PROPOSED] ORDER**

1 WHEREAS, the parties in this action, subject to the Court's approval, wish to continue the
2 briefing schedule and hearing date on Defendant BMW OF NORTH AMERICA, LLC's Notice
3 of Motion and Motion to Dismiss Plaintiff's Individual Claims and Notice of Motion and Motion
4 to Strike Class Allegations ("the Motions") currently set to be heard on October 16, 2009, at 9:00
5 a.m..

6 WHEREAS, the parties request this continuance in order to further meet and confer
7 regarding the issues raised in the motions, and believe that if a continuance is granted, substantial
8 issues raised by the Motions can be resolved. As narrowing the issues is in the interest of the
9 Court and the parties, it is submitted that good cause exists for the Court to approve this stipulated
10 continuance.

11 The parties accordingly STIPULATE that, upon Court approval, the hearing date and
12 briefing schedule shall be continued as follows:

13 Plaintiff's Oppositions to Defendant's Motion to Dismiss Individual Claims and Motion to
14 Strike Class Allegations will be due on:

- 15 • **October 9, 2009 – OPPOSITIONS;**

16 Defendant's Reply Briefs in Support of its Motion to Dismiss and Motion to Strike will be
17 due on:

- 18 • **October 23, 2009 – REPLY BRIEFS;** and

19 The hearing date on the Motions will be continued to:

- 20 • **November 6, 2009 – HEARING DATE,** or any date thereafter pending the
21 Court's approval and availability.

22 This Stipulation has no effect on the schedule for the case, other than with respect to the
23 matters discussed above.

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IT IS SO STIPULATED.

Dated: September 24, 2009

CARROLL, BURDICK & McDONOUGH LLP



By: ERIC J. KNAPP

Dated: September 24, 2009

DIVERSITY LAW GROUP



By: DANIEL H. CHANG

1 **DECLARATION OF DANIEL H. CHANG IN SUPPORT OF STIPULATION TO EXTEND**
2 **BREIFING/HEARING SCHEDULE ON BMW NA'S MOTIONS**

3 I, Daniel H. Chang, declare as follows:

4 1. I am an attorney duly licensed to practice before the courts of the state of
5 California, and am counsel of record for plaintiff Brian Cho in the above-entitled action. The
6 matters referred to in this Declaration are based upon my personal knowledge and belief, and if
7 called and sworn as a witness, I could and would competently testify as to each of them.

8 2. Recently, new counsel was associated in this case to represent Mr. Cho. New
9 counsel will be entering his appearance in the near future.

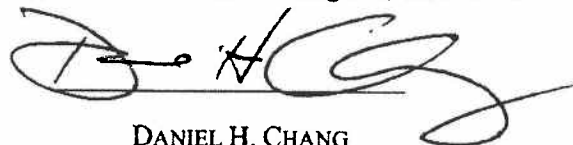
10 3. On September 23, 2009, counsel for plaintiff and counsel for defendant met and
11 conferred on defendant's pending Motion to Dismiss Individual Claims and Motion to Strike Class
12 Allegations ("Motions"), including the briefing and hearing schedule thereon.

13 4. The parties agreed that an extension of time on the briefing and hearing schedule
14 on defendant's pending Motions would be in the best interests of the Court and the parties.
15 Specifically, the parties have agreed to further meet and confer regarding the issues raised in
16 defendant's Motions, and genuinely believe that if an extension of time is granted, substantial
17 issues raised in defendant's Motions can be resolved.

18 5. There are no prior time modifications in this case, either by stipulation or Court
19 order.

20 6. The accompanying stipulated request for extension of the briefing and hearing
21 schedule on defendant's Motions has no effect on the schedule for the case, other than with
22 respect to the matters discussed above.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is
24 true and correct. Executed this 24th day of September 2009, at Los Angeles, California.

25 
26 DANIEL H. CHANG

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[PROPOSED] ORDER

IT IS HEREBY ORDERED THAT, GOOD CAUSE APPEARING:

The hearing date on Defendant's Motion to Dismiss Plaintiff's Individual Claims and Motion to Strike Class Allegations is hereby continued to: 11/6/09.

IT IS FURTHER ORDERED THAT:

Plaintiff's Oppositions to Defendant's Motion to Dismiss and Motion to Strike must be filed no later than October 9, 2009, and that Defendant's Reply Briefs must be filed no later than October 23, 2009.

DATED: _____, 2009



HONORABLE SUSAN ILLSTON