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17 on behalf of themselves and all others similarly situated

18 UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 CARIN and EDWARD MILLIGAN,
21 California residents, on behalf of themselves
22 and all others similarly situated,

23 Plaintiffs,

24 v.

25 TOYOTA MOTOR SALES, U.S.A., INC., a
26 California corporation and TOYOTA MOTOR
27 NORTH AMERICA, INC., a New York
28 corporation,

Defendants.

Case No. C09-05418 RS

**STIPULATION AND [PROPOSED]
ORDER RESCHEDULING
HEARING ON DEFENDANTS'
MOTION TO DISMISS SECOND
AMENDED COMPLAINT AND
MODIFYING BRIEFING
SCHEDULE**

CLASS ACTION

WHEREAS Plaintiffs filed a Second Amended Complaint on March 9, 2010;

WHEREAS Defendant filed a Motion to Dismiss Second Amended Complaint on
March 30, 2010 with a hearing date of July 29, 2010; and

1 WHEREAS the parties have agreed to explore the possibility of settling this matter and
2 further agree that rescheduling the hearing on Defendant's Motion to Dismiss to September 30,
3 2010, from the present scheduled date of July 29, 2010, will allow the parties to further engage
4 in settlement negotiations.
5

6 THEREFORE, the parties agree and stipulate as follows:

7 The briefing schedule and hearing date regarding Defendant's Motion to Dismiss
8 Plaintiffs' Second Amended Complaint shall be modified as follows:

9	Deadline for Plaintiffs' Response	September 9, 2010
10	Deadline for Defendant's Reply	September 16, 2010
11	Hearing	September 30, 2010

12 RESPECTFULLY SUBMITTED AND DATED this 6th day of July, 2010.

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12 Attorneys for Defendants

13 **ORDER**

14 Based on the foregoing stipulation of the parties and good cause appearing, therefore it
15 is SO ORDERED that the briefing schedule and hearing date regarding Defendant's Motion to
16 Dismiss Plaintiff's Second Amended Complaint be modified as follows:

17 Deadline for Plaintiffs' Response	September 9, 2010
18 Deadline for Defendant's Reply	September 16, 2010
19 Hearing	September 30, 2010

20 Dated: July 7, 2010

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22 RICHARD SEEBORG
23 UNITED STATES DISTRICT JUDGE

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