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Attorneys for Defendant
BMW OF NORTH AMERICA, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

TIM NGUYEN, as an individual and on
behalf of all others similarly situated,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC; and
DOES 1-100,

Defendants.

Case No. CV 10-2257 SI

**STIPULATION ON DEFENDANT'S RESPONSE
TO FIRST AND [PROPOSED] SECOND
AMENDED COMPLAINT AND STIPULATED
REQUEST TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DATES; DECLARATION OF ERIC
J. KNAPP IN SUPPORT THEREOF**

[N.D. CAL. L.R. 6-1 & L.R. 6-2]

1 By and through their respective counsel of record, plaintiff Tim Nguyen, as an individual
2 and on behalf of all others similarly situated, and Defendant BMW of North America (“BMW
3 NA”) stipulate and agree as follows:

4 **STIPULATION PURSUANT TO L.R. 6-1(A)**

5 1. Pursuant to Civil Local Rule 6-1(a), the parties have previously stipulated to an
6 extension of time for BMW NA to respond to plaintiff’s First Amended Complaint. The first
7 extension was up to and including August 17, 2010. As a result of initial meet-and-confer efforts,
8 plaintiff will be filing a Second Amended Complaint and, as such, the parties hereby further agree
9 that BMW NA need not respond to the First Amended Complaint.

10 2. BMW NA will respond to the Second Amended Complaint within 21 days of service
11 of that Second Amended Complaint on BMW NA.

12 **STIPULATED REQUEST FOR ORDER CHANGING TIME PURSUANT TO L.R. 6-2**

13 3. Given the forthcoming Second Amended Complaint and the anticipated responses to
14 that Complaint, the parties agree that deadlines contemplated by the Court’s Order Setting Initial
15 Case Management Conference and ADR Deadlines (“Scheduling Order”) should be continued.
16 The parties hereby further agree that the initial case management conference (“CMC”)—currently
17 set for Friday, September 3, 2010, at 2:30 p.m.—be continued to a date and time convenient to
18 the Court, not earlier than 35 days after it rules on pleadings filed in response to the Second
19 Amended Complaint.

20 4. This schedule modification is requested because the parties acknowledge that the
21 full scope of issues presented by this lawsuit will not be known until plaintiff files his Second
22 Amended Complaint and the Court rules on BMW NA’s responsive pleadings. Given this
23 situation, the parties agree that meet-and-confers on the subjects discussed in the Court’s
24 Scheduling Order would be more productive if postponed until after such ruling.

25 5. The parties request the court continue the CMC to at least 35 days after the ruling on
26 the responsive pleadings to allow the timeline contemplated in the Court’s Scheduling Order to
27 progress normally, *i.e.*, to allow for: (a) a 14-day period in which to meet and confer; (b) an
28 additional 14 days to prepare the Rule 26(f) report, initial disclosures, and the Court-mandated

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ORDER

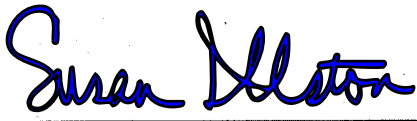
For good cause shown, the Court hereby enters the Stipulation set forth above as the Order of the Court. The schedule in this case is hereby modified as follows:

a. The initial case management conference in this matter currently set for Friday, September 3, 2010, at 2:30 p.m. and the deadlines contemplated by the Court's Order Setting Initial Case Management Conference and ADR Deadlines are hereby continued.

b. The case management conference shall be continued to a date and time convenient to the Court, not less than 35 days after it rules on pleadings filed in response to the Second Amended Complaint.

IT IS SO ORDERED

Dated: _____, 2010

By: 

HONORABLE SUSAN ILLSTON