1	Troy M. Yoshino, No. 197850	
2	Eric J. Knapp, No. 214352 Aengus H. Carr, No. 240953	
3	CARROLL, BURDICK & McDONOUGH LLP Attorneys at Law	
4	44 Montgomery Street, Suite 400 San Francisco, CA 94104	
5	Telephone: 415.989.5900 Facsimile: 415.989.0932	
6	Email: tyoshino@cbmlaw.com eknapp@cbmlaw.com	
7	acarr@cbmlaw.com	
8	Attorneys for Defendant	
9	BMW OF NORTH AMERICA, LLC	
10	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
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12	(SAN FRANCISCO DIVISION)	
13		
14	TIM NGUYEN, as an individual and on behalf of all others similarly situated,	Case No. CV 10-2257 SI
15	Plaintiff,	STIPULATION ON DEFENDANT'S RESPONSE TO FIRST AND [PROPOSED] SECOND
16	v.	AMENDED COMPLAINT AND STIPULATED REQUEST TO CONTINUE INITIAL CASE
17	BMW OF NORTH AMERICA, LLC; and	MANAGEMENT CONFERENCE AND RELATED DATES; DECLARATION OF ERIC
18	DOES 1-100,	J. KNAPP IN SUPPORT THEREOF
19	Defendants.	[N.D. CAL. L.R. 6-1 & L.R. 6-2]
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	STIPULATION TO EXTEND TIME; KN	APP DECL. ISO SAME—CASE NO. CV 10-2257 SI

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

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

- 1. Pursuant to Civil Local Rule 6-1(a), the parties have previously stipulated to an extension of time for BMW NA to respond to plaintiff's First Amended Complaint. The first extension was up to and including August 17, 2010. As a result of initial meet-and-confer efforts, plaintiff will be filing a Second Amended Complaint and, as such, the parties hereby further agree that BMW NA need not respond to the First Amended Complaint.
- 2. BMW NA will respond to the Second Amended Complaint within 21 days of service of that Second Amended Complaint on BMW NA.

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

- 3. Given the forthcoming Second Amended Complaint and the anticipated responses to that Complaint, the parties agree that deadlines contemplated by the Court's Order Setting Initial Case Management Conference and ADR Deadlines ("Scheduling Order") should be continued. The parties hereby further agree that the initial case management conference ("CMC")—currently set for Friday, September 3, 2010, at 2:30 p.m.—be continued to a date and time convenient to the Court, not earlier than 35 days after it rules on pleadings filed in response to the Second Amended Complaint.
- 4. This schedule modification is requested because the parties acknowledge that the full scope of issues presented by this lawsuit will not be known until plaintiff files his Second Amended Complaint and the Court rules on BMW NA's responsive pleadings. Given this situation, the parties agree that meet-and-confers on the subjects discussed in the Court's Scheduling Order would be more productive if postponed until after such ruling.
- 5. The parties request the court continue the CMC to at least 35 days after the ruling on the responsive pleadings to allow the timeline contemplated in the Court's Scheduling Order to progress normally, *i.e.*, to allow for: (a) a 14-day period in which to meet and confer; (b) an additional 14 days to prepare the Rule 26(f) report, initial disclosures, and the Court-mandated

Joint Case Management Statement; and (c) for the Court to have 7 days to review relevant materials before the initial Case Management Conference.

- 6. Pursuant to N.D. Cal. Local R. 6-2, the parties seek approval of this stipulated request for an order changing time, as the agreements set forth in paragraph 3 affect certain dates fixed by Court order and the Local Rules of this Court.
- 7. Other than as discussed in paragraph 1, there have been no prior time modifications in this case. As there are no other scheduled matters in this case, the requested time modification would have no effect on the schedule for the case.

Dated: July 30, 2010

Respectfully submitted,

CARROLL, BURDICK & McDONOUGH LLP

By /s/ Eric J. Knapp
ERIC J. KNAPP
Attorneys for Defendant
BMW of North America, LLC

Dated: July 30, 2010

KERSHAW, CUTTER & RATINOFF LLP

STUART C. TALLEY
Attorneys for Plaintiff
Tim Nguyen

DECLARATION OF ERIC J. KNAPP IN SUPPORT OF STIPULATED REQUEST FOR ORDER CHANGING TIME

I, Eric J. Knapp, declare and state as follows:

- 1. I am an attorney duly licensed to practice before this Court, and am associated with Carroll, Burdick & McDonough LLP, counsel for Defendant BMW NA in the above-entitled action. The matters referred to in this Declaration are based upon my best personal knowledge and belief, and if called and sworn as a witness, I could and would competently testify as to each of them.
- 2. Pursuant to Civil Local Rule 6-1(a), the parties have previously stipulated to an extension of time for BMW NA to respond to plaintiff's First Amended Complaint. The first extension was up to and including August 17, 2010. Because plaintiff will be filing a Second Amended Complaint as a result of meet-and-confer efforts between the parties, they agree that BMW NA need not respond to the First Amended Complaint.
- 3. As part of the meet-and-confer process, the parties agreed that BMW NA would respond to the Second Amended Complaint within 21 days of service of that Second Amended Complaint on BMW NA.
- 3. Given the forthcoming Second Amended Complaint and the anticipated responses to that Complaint, the parties have agreed that deadlines contemplated by the Court's Order Setting Initial Case Management Conference and ADR Deadlines ("Scheduling Order") should be continued. The parties have further agreed that the initial case management conference—currently set for Friday, September 3, 2010, at 2:30 p.m.—be continued to a date and time convenient to the Court, not earlier than 35 days after it rules on the pleadings filed in response to the Second Amended Complaint.
- 4. This schedule modification is requested because the parties acknowledge that the full scope of issues presented by this lawsuit will not be known until plaintiff files his Second Amended Complaint and the Court rules on BMW NA's responsive pleadings. Given this situation, the parties agree that meet-and-confer on the subjects discussed in the Court's Scheduling Order would be more productive if postponed until after such ruling.

- 5. The parties request the court continue the CMC to at least 35 days after the ruling on the responsive pleadings to allow the timeline contemplated in the Court's Scheduling Order to progress normally, *i.e.*, to allow for: (a) a 14-day period in which to meet and confer; (b) an additional 14 days to prepare the Rule 26(f) report, initial disclosures, and the Court-mandated Joint Case Management Statement; and (c) for the Court to have 7 days to review relevant materials before the initial Case Management Conference.
- 6. Other than as discussed in paragraph 1, there have been no prior time modifications in this case. As there are no other scheduled matters in this case, the requested time modification would have no effect on the schedule for the case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 36 day of July 2010 at San Francisco, California.

/s/ Eric J. Knapp ERIC J. KNAPP

1	<u>Order</u>	
2	For good cause shown, the Court hereby enters the Stipulation set forth above as the	
3	Order of the Court. The schedule in this case is hereby modified as follows:	
4	a. The initial case management conference in this matter currently set for Friday,	
5	September 3, 2010, at 2:30 p.m. and the deadlines contemplated by the Court's Order Setting	
6	Initial Case Management Conference and ADR Deadlines are hereby continued.	
7	b. The case management conference shall be continued to a date and time	
8	convenient to the Court, not less than 35 days after it rules on pleadings filed in response to the	
9	Second Amended Complaint.	
10	IT IS SO ORDERED	
11	Dated:, 2010	
12	By: Honorable Susan Illston	
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ORDER ON STIPULATION TO EXTEND TIME—CASE NO. CV 10-2257 SI