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10 Attorneys for Plaintiffs

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

14 TIM NGUYEN, as an individual and  
 15 CHRIS CLYNE, an individual, on behalf  
 16 of themselves and all others similarly  
 17 situated,

18 Plaintiffs,

19 v.

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

22 Defendants.

Case No. CV 10-2257 SI

**STIPULATION TO CHANGE BRIEFING  
 SCHEDULE RELATING TO BMW NA'S  
 MOTION TO STRIKE AND MOTION TO  
 DISMISS PLAINTIFFS' THIRD  
 AMENDED COMPLAINT;  
 DECLARATION OF STUART C. TALLEY  
 IN SUPPORT THEREOF**

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

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

4 1. In the parties’ prior stipulated order signed by the Court on August 24, 2011 [Dkt.  
5 No. 52], the parties consented to a briefing schedule on Defendant BMW NA’s Motion to Strike  
6 [Dkt. No. 41] and Motion to Dismiss [Dkt. No. 42] plaintiffs’ Third Amended Complaint as  
7 follows:

8 August 30, 2011: Plaintiffs’ opposition briefs due;

9 September 20, 2011: BMW NA’s reply briefs due.

10 2. The parties have met and conferred and propose the following changes to the above  
11 briefing schedule:

12 September 16, 2011: Plaintiffs’ opposition briefs due.

13 3. Procedural History: Pursuant to Civil Local Rule 6-1(a), the parties have previously  
14 stipulated to two extensions of time for BMW NA to respond to plaintiff’s Second Amended  
15 Complaint. The first extension was up to and including August 17, 2010, and the second was up  
16 to and including September 28, 2010, whereupon BMW NA filed its dispositive motions to the  
17 Second Amended Complaint. The parties have also previously stipulated to extensions of time  
18 for the briefing schedule on the dispositive motions to the Second Amended Complaint, to  
19 continue the Initial Case Management Conference, and to extend the ADR deadlines, and the  
20 Court has approved such stipulations. *See* Docket No. 14 (Aug. 5, 2010 Order); Docket No. 26  
21 (Oct. 13, 2010 Order); Docket Entry of December 3, 2010 (Order); Docket No. 29 (December 22,  
22 2010 Order); Docket No. 30 (January 3, 2011 Order). On January 14, 2011, Plaintiffs filed their  
23 Third Amended Complaint, which rendered moot BMW NA’s then pending dispositive motions  
24 to the Second Amended Complaint. The parties have also previously stipulated to extensions of  
25 time for the briefing schedule on the dispositive motions to the Third Amended Complaint, to  
26 continue the Initial Case Management Conference, and to extend the ADR deadlines, and the  
27 Court has approved such stipulations. *See* Docket No. 35 (Jan. 28, 2011 Order); Docket No. 37  
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1 (March 14, 2011); Docket No. 48 (July 7, 2011); Docket No. 50 (July 20, 2011); Docket No. 52  
2 (August 24, 2011).

3 4. Pursuant to N.D. Cal. Local R. 6-1(b) and 6-2, the parties seek approval of this  
4 stipulated request for an order changing time, as the agreements set forth in paragraph 2 affect  
5 dates involving papers required to be filed with the Court and a hearing date currently set on the  
6 Court's calendar.

7 5. Other than as discussed in paragraph 3, there have been no prior time modifications in  
8 this case.

9 Dated: August 30, 2011.

Respectfully submitted,

CARROLL, BURDICK & McDONOUGH LLP

11 By \_\_\_\_\_ /s/ Eric J. Knapp

ERIC J. KNAPP

12 Attorneys for Defendant  
13 BMW of North America, LLC

14 Dated: August 30, 2011.

KERSHAW, CUTTER & RATINOFF LLP

16 By \_\_\_\_\_ /s/ Stuart C. Talley

STUART C. TALLEY

17 Attorneys for Plaintiff  
18 Tim Nguyen

19 **General Order 45, § X Certification**

20 The filing attorney hereby certifies that concurrence in the filing of the document has been  
21 obtained from each of the other signatories, in full accordance with N.D. Cal Gen. Ord. 45, §  
22 X(B).  
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1 Complaint, which rendered moot BMW NA's then pending dispositive motions to the Second  
2 Amended Complaint. The parties have also previously stipulated to extensions of time for the  
3 briefing schedule on the dispositive motions to the Third Amended Complaint, to continue the  
4 Initial Case Management Conference, and to extend the ADR deadlines, and the Court has  
5 approved such stipulations. *See* Docket No. 35 (Jan. 28, 2011 Order); Docket No. 37 (March 14,  
6 2011); Docket No. 48 (July 7, 2011); Docket No. 50 (July 20, 2011); Docket No. 52 (August 24,  
7 2011).

8 6. Pursuant to N.D. Cal. Local R. 6-1(b) and 6-2, the parties seek approval of this  
9 stipulated request for an order changing time, as the agreements set forth in paragraph 4 affect  
10 dates involving papers required to be filed with the Court and a hearing date currently set on the  
11 Court's calendar.

12 7. Other than as discussed in paragraph 5, there have been no prior time modifications in  
13 this case.

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

16 Executed this 30th day of August 2011 at Sacramento, California.

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18 */s/ Stuart C. Talley*  
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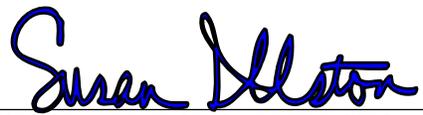
**ORDER**

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. Plaintiff will have until September 16, 2011 to file oppositions to Defendant BMW NA's Motion to Strike [Dkt. No. 41] and Motion to Dismiss [Dkt. No. 42] plaintiffs' Third Amended Complaint;
- b. Any reply briefs relating to these motions shall be filed by September 20, 2011; and
- c. The motion hearing remains on 9/30/11 at 9:00 a.m.

**IT IS SO ORDERED**

Dated: 8/30, 2011

By:   
HONORABLE SUSAN ILLSTON