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10 Attorneys for Plaintiffs

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

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

Plaintiffs,

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

Defendants.

Case No. CV 10-2257 SI

STIPULATION REQUEST TO FILE FOURTH  
AMENDED COMPLAINT

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” or “defendant”) stipulate and agree as follows:

4 WHEREAS, on May 25, July 13, and September 7, 2010, and January 14, 2011 plaintiffs  
5 filed their Complaint and their First, Second and Third Amended Complaints in the above-  
6 captioned matter;

7 WHEREAS on October 14, 2011 the Court requested that plaintiffs file a Fourth  
8 Amended Complaint setting forth allegations consistent with the parties proposed settlement  
9 class;

10 WHEREAS, on October 19, 2011 the parties agreed on the form and filing of the attached  
11 Fourth Amended Complaint so as to procedurally parallel the parties efforts to effectuate  
12 nationwide resolution of the litigation;

13 IT IS HEREBY STIPULATED, by and between the undersigned counsel for the parties,  
14 subject to the approval of this Court, that:

15 1. Plaintiffs shall file and serve their Fourth Amended Complaint attached  
16 hereto in the above-captioned matter.

17 Dated: October 19, 2011.

Respectfully submitted,

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19 KERSHAW, CUTTER & RATINOFF LLP

20 By: /s/ William A. Kershaw  
21 WILLIAM A. KERSHAW  
22 Attorneys for Plaintiffs

23 Dated: October 19, 2011.

CARROLL, BURDICK & McDONOUGH LLP

24 By: /s/ Eric J. Knapp  
25 ERIC J. KNAPP  
26 Attorneys for Defendant  
27 BMW of North America, LLC

## **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/24/11

**HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE**