

William A. Kershaw (State Bar No. 057486)
 Stuart C. Talley (State Bar No. 180374)
KERSHAW, CUTTER & RATINOFF, LLP
 401 Watt Avenue
 Sacramento, California 95864
 Telephone: (916) 448-9800
 Facsimile: (916) 669-4499
 Email: wkershaw@kcrlegal.com
 Email: stalley@kcrlegal.com

Attorneys for Plaintiffs

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,

18 KERSHAW, CUTTER & RATINOFF LLP

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

22 Dated: October 19, 2011.

CARROLL, BURDICK & McDONOUGH LLP

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.



Dated: 10/24/11

HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE