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UNITED STATES DISTRICT COURT
Northern District of California

DON LAU,

No. C 11-01940 MEJ

Plaintiff,

**ORDER FOR SUPPLEMENTAL
BRIEFING**

v.

MERCEDES-BENZ USA LLC,

Defendant.

The Court has reviewed Defendant's Supplemental Brief regarding whether the subject vehicle qualifies as a consumer good and whether Plaintiff has standing under the Song-Beverly Consumer Warranty Act to proceed with his claim, as well as Plaintiff's response. Dkt. Nos. 71, 73. In advance of the status conference set in this matter, the Court now poses the following questions to Plaintiff.

1. Plaintiff disclosed the "possibility" of a sixth "personal use vehicle" registered to "Don Lau or DT Floormasters, Inc." in Interrogatory Nos. 32 to 39, but stated he was unable to find the registration to confirm how any such sixth vehicle may have been registered. Based on these responses, Defendant asserts that Plaintiff has had six vehicles registered to DT Floormasters during the time period identified in the Interrogatories. What is the accurate number of vehicles registered to "Don Lau or DT Floormasters, Inc." for each of the time periods identified in Interrogatory Nos. 32 to 39?
2. Plaintiff asserts that "the relevant time period for counting how many vehicles are registered should be at the time of initial purchase." What is Plaintiff's authority for this statement?

1 3. Plaintiff asserts that the Court should “only consider those vehicles that are primarily used for
2 business purposes” in considering whether and how many vehicles apply towards the “not
3 more than five motor vehicles” registered to DT Floormasters, Inc. What authority does
4 Plaintiff have to support this construction of the statute?

5
6 4. Has Plaintiff completed the filing of his revised corporate and personal income tax statements
7 for the years 2007 to 2012 such that the subject Mercedes vehicle is now reflected as a
8 personal-use vehicle? If so, how is the vehicle currently registered and titled?
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10 Plaintiff shall file a brief responding to each of these questions by March 15, 2013. Defendant
11 may file a response by March 19, 2013, but such response is optional.

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13 **IT IS SO ORDERED.**

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15 Dated: March 12, 2013



16 Maria-Elena James
17 United States Magistrate Judge
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