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5 *Attorneys for Plaintiffs*

6 **UNITED STATES DISTRICT COURT**
 7 **NORTHERN DISTRICT OF CALIFORNIA**

8 MAJEED SEIFI AND TRACEY
 9 DEAKIN, On Behalf Of Themselves And
 All Others Similarly Situated,

10 Plaintiffs,

11 vs.

12 MERCEDES-BENZ USA, LLC,

13 Defendant.

Case No. 3:12-cv-5493-TEH

**STIPULATED REQUEST TO CONTINUE
 HEARING AND MODIFY BRIEFING
 SCHEDULE; DECLARATION OF GARY S.
 GRAIFMAN IN SUPPORT THEREOF;
 [PROPOSED] ORDER**

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 16 By and through their respective counsel of record, Plaintiffs Majeed Seifi and Tracey Deakin,
 17 as individuals and on behalf of others similarly situated, and Defendant Mercedes-Benz USA, LLC
 18 (“MBUSA”) stipulate and agree as follows:

19
 20 **STIPULATED REQUEST FOR ORDER CHANGING TIME PURSUANT TO L.R. 6-2**

21 1. On May 23, 2013, the Court issued an order granting in part and denying in part
 22 MBUSA’s Motion to Dismiss. Dkt. 42. In its Order, the Court gave plaintiffs leave to amend their
 23 complaint, which was timely filed on July 5, 2013. Dkt. 46.

24 2. On or about August 2, 2013, Defendant timely filed its Motion to Dismiss and Strike
 25 Certain Allegations (the “Motion”). Dkt. 49.

26 3. Plaintiffs respectfully request, and MBUSA does not oppose, an extension of the
 27 filing deadline for Plaintiffs’ Opposition to the Motion but in doing so, the brief will come due
 28

1 during pre-planned vacations for Defendant's counsel. Accordingly, the Parties have agreed to
2 continue the hearing on the Motion from September 16, 2013 at 10:00 a.m., to September 30, 2013
3 at 10:00 a.m. and hereby agree upon the following dates for the filing and/or service of Plaintiffs'
4 opposition and Defendant's respective reply papers:

5 (a) Plaintiffs' responsive papers in opposition to the Motion shall be filed on or
6 before August 28, 2013; and

7 (b) Defendant's reply papers shall be filed on or before September 16, 2013.

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9 4. As set forth in the accompanying declaration of Gary S. Graifman, this extension
10 request is being made in good faith because counsel for both plaintiffs and MBUSA will be traveling
11 during the month of August.

12 5. Pursuant to N.D. Cal. Local R.6-2, the parties seek approval of this stipulated request
13 for an Order changing time, as the agreements set forth herein will result in a short continuance of
14 the return date of the Motion.

15 6. The requested time modification would have no effect on the remaining schedule for
16 the case.

17
18 Dated: August 13, 2013

Respectively submitted,

CARROLL, BURDICK & McDONOUGH LLP

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22 By: *Chad A. Stegeman*
23 CHAD A. STEGEMAN

24 Attorneys for Defendant
25 Mercedes-Benz USA, LLC

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Dated: August 13, 2013

THE KATRIEL LAW FIRM, PLLC

By: *s/ Roy A. Katriel*
ROY A. KATRIEL

Attorneys for Plaintiffs Majeed Seifi and
Tracey Deakin

1
2 **DECLARATION OF GARY S. GRAIFMAN IN SUPPORT OF**
3 **STIPULATED REQUEST FOR ORDER SETTING BRIEFING SCHEDULE ON**
4 **DEFENDANT'S MOTION TO DISMISS**

5 Gary S. Graifman, declares and states as follows:

6 1. I am an attorney and a member of the firm Kantrowitz, Goldhamer & Graifman,
7 P.C., and admitted pro hac vice to practice before the Court in this action. I am co-counsel for
8 Plaintiffs in the above captioned matter. The matters referred to in this declaration are based on my
9 best personal knowledge and belief and if called and sworn in as a witness I could and would
10 competently testify as to each of them.

11
12 2. On August 2, 2013 Defendants filed their Motion to Dismiss Plaintiffs' Amended
13 Complaint, which contained a return date for the hearing of September 16, 2013 at 10:00 a.m. before
14 this Court.

15 3. Pursuant to the local rules, Plaintiffs opposition would have been due August 16,
16 2013. However, my co-counsel and the attorney principally responsible for this case, Roy Katriel,
17 has been out of the Country and is not returning until on or about August 22, 2013. In addition, I am
18 scheduled to be out of town August 14th through August 19th. Furthermore, Defendants have
19 indicated that any adjustment to the schedule should take into account the fact that they also had
20 vacation plans scheduled later in this month or for the beginning of September. Thus, all of this will
21 impact the ability to file, respectively, the opposition and reply thereto.

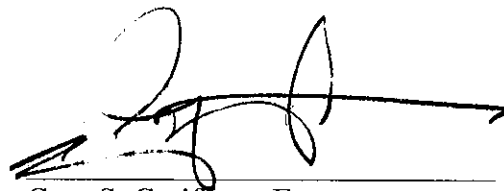
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23 4. Accordingly, as set forth in the accompanying stipulated request, the parties
24 respectfully request that the deadline for the filing of Plaintiffs' opposition be continued to August
25 23, 2013, from August 16, 2013. The parties further request that the deadline for MBUSA's reply to
26 the opposition on the Motion be set forth September 16, 2013.
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1 5. Based on the briefing schedule aforementioned, the parties also respectfully requested
2 that the hearing for the motion be continued to September 30, 2013 at 10:00 a.m., from the currently
3 scheduled date of September 16, 2013 at 10:00 a.m.

4 6. The requested briefing schedule modifications and continuation of the hearing on the
5 Motion will have no effect on any other dates scheduled in this action. The only previous time
6 modifications in the matter to the best of my knowledge were those requested in the Stipulated
7 Request filed by the Parties on June 3, 2013 (Dkt. 43) upon which the Court granted (i) a two week
8 adjournment of the date to file the Amended Complaint, from June 21, 2013 to July 5, 2013; (ii)
9 continuation of the Case Management Conference, from June 24, 2013 to August 26, 2013; (iii)
10 adjournment of the Joint Case Management Statement filing date, from June 17, 2013, to August 19,
11 2013; and (iii) adjournment of the last day to hold the Rule 26(f) Conference, from June 3, 2013 to
12 August 2, 2013.
13

14 7. I attest that concurrence in the filing of the documents been obtained from Defendants
15 counsel.
16

17 I declare under the penalties of perjury under the laws of said United States that the foregoing
18 is to correct a new paragraph unnumbered executed this 13th day of August, 2013 at Chestnut Ridge,
19 New York.
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24 Gary S. Graifman, Esq.
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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 on Defendant’s Motion to Dismiss and Strike Certain Allegations (“Motion”) in this case is hereby modified as follows:

- a. The deadline for the filing of plaintiffs’ opposition to the Motion, currently set for August 16, 2013, shall be continued to August 28, 2013.
- b. The date for MBUSA to file its reply papers on the Motion shall be September 16, 2013.
- c. The hearing on the Motion, currently set for September 16, 2013 at 10:00 a.m, shall be continued to September 30, 2013 at 10:00 a.m.

Dated: August 15, 2013

