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19 Attorneys for Plaintiff Barry Jekowsky and the potential class

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22 SAN FRANCISCO DIVISION

23 BARRY JEKOWSKY, individually and on  
24 behalf of all others similarly situated,

25 Plaintiff.

26 vs.

27 BMW OF NORTH AMERICA, LLC

28 Defendant.

Case No. 3:13-cv-02158-VC

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING DATE TO FILE  
MOTION FOR PRELIMINARY  
APPROVAL**

29 Pursuant to the following stipulation Plaintiff Barry Jekowsky and Defendant BMW of  
 30 North America, LLC, by and through their respective undersigned counsel of record, hereby  
 31 request that the Court grant a two-week continuance of Plaintiff's deadline to file his Preliminary

1 Approval of Class Settlement Motion. Pursuant to the Court's November 18, 2014 Order,  
2 Plaintiff was to file the Preliminary Approval of Class Settlement Motion by January 30, 2015.

3 **STIPULATION**

4  
5 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Barry Jekowsky and Defendant  
6 BMW of North America, LLC, stipulate and request as follows:

7 WHEREAS, on November 18, 2015 the parties appeared at a telephonic Case  
8 Management Conference and informed the Court that the case had settled after a full day  
9 mediation on October 20, 2014 with the Honorable Edward Infante at JAMS;

10 WHEREAS, pursuant to the Court's November 18, 2014 Order Plaintiff was to file the  
11 Motion for Preliminary Approval of Class Settlement by January 30, 2015 and the hearing on the  
12 Motion for Preliminary Approval of Class Settlement was scheduled for March 12, 2015;

13 WHEREAS, since the hearing on November 18, 2014, the parties have exchanged five  
14 (5) drafts of the Settlement Agreement and Release along with exhibits which include the  
15 proposed class notice and proposed claim form;

16 WHEREAS, the parties are in the process of finalizing the Settlement Agreement and  
17 Release and exhibits and a result of this process, have identified certain terms in their proposed  
18 agreement that require further clarification and as a result, the parties do not currently have a  
19 Settlement Agreement and Release ready for signature;

20 WHEREAS, the parties believe they will have a Settlement Agreement and Release ready  
21 for signature by February 6, 2015;

22 WHEREAS, Plaintiff will be ready to file his Motion for Preliminary Approval of Class  
23 Settlement on or before February 13, 2015;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED that the  
25 Court continue the January 30, 2015 date for filing of the Motion for Preliminary Approval of  
26 Class Settlement up to and including February 13, 2015. Because there will be no opposition to  
27  
28

1 the Preliminary Approval of Class Settlement Motion, the parties request that the Court retain the  
2 March 12, 2015 hearing date for Preliminary Approval of Class Settlement Motion.

3 **E-FILING ATTESTATION**

4 By his signature below, counsel for Plaintiff Jekowsky attests that counsel for all parties  
5 whose electronic signatures appear below have concurred in the filing of this Stipulation.  
6

7 Dated: January 29, 2015

KEMNITZER, BARRON & KRIEG, LLP

8  
9 By: /s/ Bryan Kemnitzer  
10 BRYAN KEMNITZER  
11 Attorneys for Plaintiff Barry Jekowsky, and the  
putative class

12 Dated: January 29, 2015

LEWIS BRISBOIS BISGAARD & SMITH LLP

13  
14 By: /s/ Eric Y. Kizirian  
15 Eric Y. Kizirian  
16 Attorney for Defendant BMW of North America,  
LLC

17  
18 **ORDER**

19 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

20 Dated: January 30, 2015

21   
22 \_\_\_\_\_  
23 Honorable Vince Chhabria  
24  
25  
26  
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