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 11 *and Nicholas Letourneau*

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14 TIFFANY BUI and NICHOLAS LETOURNEAU )  
 15 Individually and on Behalf of and All Others )  
 16 Similarly Situated, )  
 17 Plaintiffs, )  
 18 v. )

JST  
 Case No.: 3:13-cv-03516-JCS

19 NYK LINE (NORTH AMERICA) INC.; NIPPON )  
 20 YUSEN KABUSHIKI KAISHA; WILH. )  
 21 WILHELMSSEN HOLDING ASA, WILH. )  
 22 WILHELMSSEN ASA, MITSUI O.S.K. LINES. )  
 23 LTD.; KAWASAKI KISEN KAISHA, LTD.; "K" )  
 24 LINE AMERICA, INC.; EUKOR CAR )  
 25 CARRIERS INC.; WALLENIUS WILHELMSSEN )  
 26 LOGISTICS AS; WILH. WILHELMSSEN ASA; )  
 27 WALLENIUS WILHELMSSEN LOGISTICS )  
 28 AMERICAS LLC; WALLENIUS LINES AB, )  
 29 COMPAÑIA SUD AMERICANA DE )  
 30 VAPORES, S.A.; TOYOFUJI SHIPPING CO., )  
 31 LTD.; AND NISSAN MOTOR CAR CARRIER )  
 32 CO., LTD., )  
 33 Defendants. )

34 **STIPULATION EXTENDING TIME**

35 WHEREAS, Plaintiffs have filed a complaint on behalf of indirect purchasers of  
 36 vehicle carrier services against a number of defendants alleging violations of Section 1 of the  
 37

1 Sherman Act and various state laws in connection with sales of vehicle carrier services (the  
2 “Complaint”);

3 WHEREAS, several related civil actions have been filed in District Courts across  
4 the country, including *F. Ruggiero & Sons, Inc., et al. v. NYK Line (North America) Inc. et al.*, No.  
5 2:13-cv-00016-ES-SCM (D.N.J. May 24, 2013); *Nelson v. Nippon Yusen Kabushiki Kaisha*, No.  
6 3:13-cv-00604-HLA-MCR (M.D. Fla. May 24, 2013); *MacQuarrie, et al. v. Nippon Yusen*  
7 *Kabushiki Kaisha*, No. 3:13-cv-2409-JST (N.D. Cal. May 28, 2013); *Knudson v. NYK Line (North*  
8 *America), Inc.*, No. 2:13-cv-03485-ES-SCM (D.N.J. June 5, 2013); *Schroeder v. Nippon Yusen*  
9 *Kabushiki Kaisha*, No. 3:13-cv-01319-DHB (S.D. Cal. June 6, 2013); *Adame v. Nippon Yusen*  
10 *Kabushiki Kaisha*, No. 3:13-cv-00651-HAL-JBT (M.D. Fla. June 6, 2013); *Martens Cars of*  
11 *Wash., Inc., et al. v. Nippon Yusen Kabushiki Kaisha*, No. 3:13-cv-02696-EDL (N.D. Cal. June 12,  
12 2013); *Levis, et al. v. Nippon Yusen Kabushiki Kaisha, et al.*, No. 3:13-cv-02895-NC (N.D. Cal.  
13 June 24, 2013); *Spicer et al. v. Nippon Yusen Kabushiki Kaisha, et al.*, No. 3:13-cv-02894-DMR  
14 (N.D. Cal. June 24, 2013); *Stasik v. Nippon Yusen Kabushiki et al.*, No. 13-cv-1467-LAB-BLM  
15 (S.D. Cal. June 25, 2013); and it is possible that other such related actions will continue to be filed  
16 (collectively, the “Related Actions”);

17 WHEREAS, on June 13, 2013, a Motion for Consolidation and Transfer under  
18 28 U.S.C. section 1407 was filed before the Judicial Panel on Multidistrict Litigation (the “JPML”)  
19 for transfer and consolidation and/or coordination of several of the Related Actions, and Plaintiffs  
20 and Defendants in the Related Actions expect that a consolidated amended complaint (“CAC”)  
21 will be filed in this action following an order of the JPML;

22 WHEREAS, Plaintiffs and Defendants in the Related Actions have entered into a  
23 stipulation dated July 3, 2013, a copy of which is annexed as Exhibit A, extending Defendants’  
24 time to move or answer or otherwise respond to the complaints in the Related Actions or the CAC;

25 WHEREAS, Plaintiffs in this case desire to join that stipulation and extend the  
26 deadlines in this case in accordance with its terms;

27 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned,  
28 that:

1           1.       Subject to paragraph 4 below, the Stipulating Defendants shall have no obligation  
2 to respond to the Complaints in the Related Actions until after the JPML has entered an order in  
3 connection with the motion for transfer and consolidation and/or coordination.

4           2.       If any of the Related Actions are consolidated and/or coordinated for pretrial  
5 proceedings, the Stipulating Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move, or  
6 otherwise respond to the CAC that consolidates this action and any Related Actions within 45 days  
7 after a CAC is filed, unless the transferee court sets a different schedule. In the event the Plaintiffs  
8 serve notice that they will not file a CAC, then the Stipulating Defendants will have 45 days from  
9 the date of the notice to respond to the Complaints.

10          3.       If any of the Related Actions are not consolidated and/or coordinated for pretrial  
11 proceedings, the Stipulating Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move, or  
12 otherwise respond to the Complaints within 45 days after entry of any such order.

13          4.       Notwithstanding paragraphs (2) and (3), above, if any Stipulating Defendant  
14 responds to any discovery request, participates in any meet and confer, files an answer, moves,  
15 and/or otherwise responds pursuant to Fed. R. Civ. P. 12 in any of the Related Actions before the  
16 date required by this Stipulation, that Stipulating Defendant will serve Plaintiffs with discovery,  
17 meet and confer, answer, move, and/or otherwise respond concurrently in any Related Action,  
18 unless such action has not been filed with a court for 21 days, in which case the Stipulating  
19 Defendant will serve Plaintiffs with discovery, meet and confer, answer, move, and/or otherwise  
20 respond within the time required by the Federal Rules of Civil Procedure in that action.

21          5.       Defendants do not waive: (a) any jurisdictional defenses that may be available  
22 under Fed. R. Civ. P. 12; (b) any affirmative defenses under Fed. R. Civ. P. 8; (c) any other  
23 statutory or common law defenses that may be available to the Stipulating Defendants in any of the  
24 Related Actions; or (d) any right to seek or oppose any reassignment, transfer, or consolidation  
25 alternatives with respect to any of the Related Actions. The Stipulating Defendants expressly  
26 reserve their rights to raise any such defenses (or any other defense) in response to either the extant  
27 complaints or any amended and/or consolidated complaint that may be in any of the Related  
28 Actions. Nothing herein shall be construed as an acknowledgment of service of process, a waiver

1 of objections to service of process, or an appearance by any defendant in any of the Related  
2 Actions.

3 6. Plaintiffs' obligations to serve a copy of the complaint on Defendants shall not  
4 begin to run until the filing of the CAC (or any other date set by the transferee court) or the date  
5 the JPML denies transfer.

6 7. Plaintiffs further agree that this Stipulation is available, without further stipulation,  
7 to all other named defendants who notify the Plaintiffs in writing of their intention to join this  
8 Stipulation (such defendants will become a Stipulating Defendant).

9 8. The undersigned, in accordance with Local Rule 5-5(a)(1), hereby acknowledge  
10 service of this Stipulation. The undersigned parties agree that until they have made an appearance  
11 in this matter and registered for notifications via ECF, they agree to accept service of documents  
12 other than the complaint via electronic mail at the addresses listed below.

13 9. Nothing in this Stipulation shall preclude Plaintiffs or the Defendants from seeking  
14 to amend the filing deadlines set forth herein.

15 Dated: August 29, 2013

16 By: /s/ Dena C. Sharp  
17 Daniel C. Girard (SBN: 114826)  
18 Dena C. Sharp (SBN: 245869)  
19 Adam E. Polk (SBN: 273000)  
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*LLC, Wallenius Lines AB, EUKOR Car*  
*Carriers Inc.*

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: September 3, 2013

SO ORDERED:

