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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL FONTES, an individual  
  
Plaintiff,  
  
vs.  
  
AUTOCOM NETWORKS, INC., a  
California corporation; AUTOCOM  
POWER, LLC, a California limited  
liability company d/b/a AUTOCOM  
NISSAN OF OAKLAND; M&M  
AUTOMOTIVE GROUP, INC., a  
California corporation d/b/a Volkswagen  
of Oakland; MICHAEL P. MURPHY, an  
individual formerly d/b/a NISSAN OF  
OAKLAND; NISSAN NORTH  
AMERICA, INC., a California  
corporation; JOSE PEREZ, an individual  
a/k/a JOSE CARMEN PEREZ GARCIA;  
TDK TRUST DATED JANUARY 23,  
1995, and DOES 1 through 10, inclusive,  
  
Defendants.

Case No. CV 15-02044 CRB  
  
*Assigned for all Purposes to the Honorable  
Charles R. Breyer, Courtroom 6*  
  
**NOTICE OF SETTLEMENT AND  
STIPULATION AND TO CONTINUE DATES  
AND INITIAL CASE MANAGEMENT  
CONFERENCE;**

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**STIPULATION**

**WHEREAS**, the Parties participated in mediation on October 8, 2015 and thereafter, on the same day, entered into a Stipulation of Settlement, wherein all Parties agreed upon a full settlement and compromise of this action and a release and discharge of all claims by and between all Parties;

**WHEREAS**, pursuant to the Stipulation of Settlement, the Parties shall be entering into a long form settlement agreement that the Parties expect will be satisfied in its entirety within 90 days from the date of this Stipulation, including, but not limited to delivery of an executed Dismissal with Prejudice of this action by Plaintiff to Defendants (“Dismissal”);

**WHEREAS**, in light of the foregoing, the Parties have agreed to an extension of time pursuant to which all Defendants shall have an additional 90 days from the presently pending due date, up to and including January 21, 2016, to answer, move, or otherwise respond to Plaintiff’s Complaint, in order to complete the settlement terms;

**WHEREAS**, an initial Case Management Conference (“CMC”) is currently scheduled for hearing on December 4, 2015 at 8:30 a.m.;

**WHEREAS**, in the interest of judicial economy, the Parties request a continuance of the CMC by a corresponding 90 days to March 3, 2016 in order to allow time for the Parties to complete the settlement terms and dismiss the Action;

**WHEREAS**, the Parties further acknowledge that the filing of this Stipulation shall not be construed as an appearance or acknowledgement of jurisdiction on any of the Defendants, and that any challenges to jurisdiction are hereby reserved by Defendants, and each of them;

**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, pursuant to U.S. District Court, Northern District of California Local Rule 6-1(a), that Defendants, and each of them, shall have up to and including January 21, 2016 to answer, move, or otherwise respond to the Complaint filed in this matter.





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**ORDER**

The Court having considered the foregoing Stipulation of the Parties and good cause appearing therefore, it is hereby **ORDERED** that all previously scheduled dates in this matter are vacated, and the following dates shall apply:

In the event a dismissal of the entire action is not filed by January 21, 2016, all defendants which have not been dismissed from the action shall file a responsive pleading by that date.

The Initial Case Management Conference shall be held on March 4, 2016 at 8:30 a.m. in Courtroom 6, 17th floor, 450 Golden Gate Avenue, San Francisco, California.

Lead trial counsel shall meet and confer not less than thirty (30) days in advance of the conference and shall file a joint case management statement in the form contained in the Civil Local rules as supplemented by this order not less than seven (7) days in advance of the conference.

If the conference is inconveniently scheduled, it may be rescheduled by stipulation and order to another date or time convenient to the Court's calendar.

At the conclusion of the conference, an order will be entered setting dates either for a further case management conference, or for close of discovery, pre-trial conference, and trial. Other orders regulating and controlling future proceedings may be entered.

Plaintiff shall serve copies of this order at once on any parties subsequently joined, in accordance with Federal Rules of Civil Procedure 4 and 5. Following service, plaintiff shall file a certificate of service with the Clerk of this Court

**SUPPLEMENTAL TO INITIAL CASE MANAGEMENT STATEMENT**

At the initial case management conference, the parties or at least one attorney of record for each party must appear in person. See FRCP 26(f); Civil LR 16-10(a). The case management statement may not exceed ten pages. It should briefly describe the parties' controversy. Any party seeking damages must set forth in the statement the amount sought and the basis for its calculation.

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**Sanctions. FAILURE TO COMPLY WITH THIS ORDER** may be deemed sufficient grounds for dismissal of this cause, default or other appropriate sanctions. See Federal Rules of Civil Procedure 16(f), 41 (b); Civ LR 1-4.

**IT IS SO ORDERED.**

Dated: October 22, 2015



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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE