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9 Attorneys for
 PLAINTIFF Kelly Stover

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

15 KELLY STOVER,
 16
 17 Plaintiff,
 18 v.
 19 VOLKSWAGEN GROUP OF AMERICA,
 INC. and DOES 1 through 100,
 20 Defendants.

Case No. 3:16-cv-00605-CRB

STIPULATION AND ~~PROPOSED~~ ORDER TO REMAND

[Assigned to the Hon. Charles R. Breyer]

22 **STIPULATION AND ~~PROPOSED~~ ORDER TO REMAND**

24 TO ALL PARTIES:

25 PLEASE TAKE NOTICE that Plaintiff Kelly Stover and Defendant Volkswagen Group of
 26 America, Inc. (“VWGoA”) have entered into the following Stipulation:
 27
 28

1 WHEREAS, on June 4, 2015, Plaintiff Kelly Stover filed the original Complaint for
2 Damages against Defendant VWGoA in the Santa Cruz County Superior Court. Her Complaint
3 alleged three claims related to her purchase of a 2014 Volkswagen Passat TDI vehicle from
4 Defendant: breach of express warranty, breach of implied warranty, and a “lemon law” claim based
5 on California Civil Code section 1793.2(d)(2). These state law claims arose from the discovery that
6 the vehicle purchased by Plaintiff had alleged defective and dangerous brakes, and Defendant
7 allegedly could not make the vehicle conform to its warranties despite a reasonable number of
8 repair attempts to the vehicle’s defective brake system by VWGoA and its dealer;

9 WHEREAS, Plaintiff amended her Complaint in January of 2016 to include two additional
10 causes of action related to the emissions software installed by VWGoA in her vehicle;

11 WHEREAS, VWGoA removed this action to the United States District Court for the
12 Northern District of California where it became part of the consolidated case known as In re:
13 Volkswagen Clean Diesel Marketing, Sales Practices, and Products Liability Litigation, Case No.
14 3:15-md-02672-CRB;

15 WHEREAS, Plaintiff filed a Motion for Remand to return this case to the Santa Cruz
16 Superior Court;

17 WHEREAS, all Motions for Remand filed in the consolidated case have been stayed by
18 Judge Charles Breyer;

19 WHEREAS, the parties to the Stover case, and Lead Counsel to the consolidated case, now
20 agree that if Plaintiff will dismiss without prejudice the emissions related causes of action from her
21 Complaint, the Stover Lemon Law case should be remanded to the Santa Cruz Superior Court for
22 further adjudication;

23 WHEREAS, Plaintiff intends to have any emissions related causes of action adjudicated as
24 an unnamed member of a putative class in *In re: Volkswagen Clean Diesel Marketing, Sales*
25 *Practices, and Products Liability Litigation*, Case No. 3:15-md-02672-CRB;

26 THEREFORE, the parties stipulate as follows:

27 The Stover case should be remanded immediately to the Santa Cruz Superior Court.
28

1 Upon the remand of the case to the Santa Cruz Superior Court, Plaintiff Kelly Stover will promptly
2 dismiss, without prejudice, the two emissions causes of action that were added to her Complaint in
3 January of 2016.

4
5 AGREED:

6
7 DATE: April 6, 2016

LAW OFFICE OF ARTHUR J. OBOLSKY
LAW OFFICE OF ANTHONY J. SPERBER

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9
10 By: /s/ Arthur J. Obolsky
11 Arthur J. Obolsky
12 Attorneys for Plaintiff
Kelly Stover

13 DATE: April 6, 2016

SULLIVAN & CROMWELL LLP

14
15 By: /s/ Michael H. Steinberg
16 Michael H. Steinberg
17 Attorney for Defendant
VWGoA

18
19 AGREED:

20 DATE: April 6, 2016

LEIFF CABRASER HEIMANN & BERNSTEIN

21
22 By: /s/ Elizabeth J. Cabraser
23 Elizabeth J. Cabraser
Lead Attorney for Plaintiffs

24 DATE: April 6, 2016

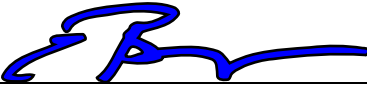
HERZFELD & RUBIN, P.C.

25
26 By: /s/ Jeffrey L. Chase
27 Jeffrey L. Chase
28 Lead Attorney for Defendants
VWGoA

~~PROPOSED~~ ORDER

SO ORDERED:

Dated: April 8, 2016

By:  _____

The Hon. Charles R. Breyer
JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION