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11 *Attorneys for Defendant American*
Honda Motor Co. Inc.

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

16 RON ALUL, MARK GERSTLE, WILLIAM)
 KENAR, YUN-FEI LOU, ARPAN)
 17 SRIVASTAVA, and MELISSA YEUNG)
 18 individually and on behalf of all others)
 similarly situated,)

19 Plaintiffs,)

20 vs.)

21 AMERICAN HONDA MOTOR CO., INC.,)
 22 Defendant.)
 23)
 24)

Case No. 3:16-cv-04384-JST

**JOINT STIPULATION SEEKING LEAVE
 FOR PLAINTIFFS TO FILE AN
 AMENDED COMPLAINT AND FOR AN
 ORDER CHANGING TIME PURSUANT
 TO L.R. 6-3**

Complaint filed: August 3, 2016
**Current responsive pleading due date:
 October 17, 2016**

STIPULATED REQUEST SEEKING LEAVE FOR PLAINTIFFS TO FILE AN AMENDED COMPLAINT
 AND FOR AN ORDER CHANGING TIME PURSUANT TO L.R. 6-3

3:16-cv-04384-JST

1 Plaintiffs Ron Alul, Mark Gerstle, William Kenar, Yun-Fei Lou, Arpan Srivastava, and
2 Melissa Yeung (collectively, “Plaintiffs”), and Defendant American Honda Motor Co., Inc. (“AHM”
3 and collectively with Plaintiffs, the “Parties”), by and through their respective counsel and pursuant
4 to LR 6-2 and other applicable rules and laws, as well as the Declaration of Livia M. Kiser (“Kiser
5 Declaration”) filed concurrently herewith, hereby submit this Stipulated Request Seeking Leave For
6 Plaintiffs File An Amended Complaint And For An Order Changing Time.

7 1. On August 3, 2016, Plaintiffs filed the Class Action Complaint (“Complaint”) in this
8 action. (ECF No. 1).

9 2. The Complaint, which is 112 pages long, seeks certification of a national class
10 pursuant to claims brought under California law or, alternatively, certification of subclasses
11 pursuant to claims brought under the laws of 6 states (*i.e.*, Arizona, Delaware, Missouri, New
12 Hampshire, Texas, Virginia). *Id.* There are 43 claims alleged. *Id.*

13 3. On August 4, 2016, this action was set for an initial Case Management Conference on
14 November 1, 2016, and assigned to the Alternative Dispute Resolution (ADR) Multi-Option
15 Program, which set a deadline of October 11, 2016, to file an ADR Certification and either a
16 Stipulation to ADR Process or Notice of Need for ADR Phone Conference (“ADR Deadline”).
17 (ECF No. 6).

18 4. On August 5, 2016, this action was reassigned to the Honorable Jon S. Tigar, and the
19 Clerk set a new date of November 16, 2016 for the Case Management Conference, with the Joint
20 Case Management Conference Statement due seven (7) Court days prior thereto. (ECF Nos. 9 &
21 10).

22 5. On August 11, 2016, AHM was served with the Complaint. Kiser Decl. ¶ 2, Exhibit
23 1 hereto.

24 6. On August 30, 2016, the Parties stipulated and agreed that the date for AHM to
25 answer, move, or otherwise respond to the Complaint would be extended up to and including
26 October 17, 2016. (ECF No. 21).

1 7. On September 23, 2016, counsel for Plaintiffs advised counsel for AHM that
2 Plaintiffs intend to file an Amended Class Action Complaint (“Amended Complaint”) on or before
3 October 17, 2016, which will add additional parties and claims to the pleading. Kiser Decl. ¶ 3.

4 8. Pursuant to Federal Rule of Civil Procedure 15(a), because it has been more than 21
5 days since Plaintiffs served the Complaint and AHM has not yet filed a responsive pleading,
6 Plaintiffs cannot amend their pleading as a matter of course but may amend their pleading only “with
7 the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a).

8 9. Plaintiffs seek to file their Amended Complaint by no later than October 17, 2016, the
9 date that AHM’s responsive pleading is currently due. Kiser Decl. ¶ 3.

10 10. AHM does not object to Plaintiffs amending their complaint and filing it by no later
11 than October 17, 2016, but the Parties recognize the due date for AHM’s responsive pleading and
12 other dates should be adjusted to accommodate Plaintiffs’ request. *Id.* ¶ 4.

13 11. The Parties stipulate and agree AHM should have up to and including December 2,
14 2016 to answer, move or otherwise respond to the Amended Complaint. *Id.* ¶ 6. The Parties believe
15 that the requested enlargement of time is appropriate given Plaintiffs anticipate the Amended
16 Complaint will add additional parties and claims, thereby enlarging the scope of this already lengthy
17 and complex action. *Id.* ¶ 2, 6. Moreover, and as set forth in the Kiser Declaration, counsel for
18 AHM is going to be in Asia during about one-third of this period (from October 13-28, 2016) in
19 order to finalize the adoption of a child. *Id.* ¶ 5. In addition, the Thanksgiving holidays fall within
20 the response period. *Id.* ¶ 6.

21 12. Furthermore, the Parties believe they need to understand the scope of their dispute in
22 order to make an informed decision regarding ADR. Accordingly, the Parties respectfully request
23 the ADR Deadline be moved to November 18, 2016 (or some other date after October 17, 2016 as
24 the Court directs). *Id.* ¶ 7.

25 13. Finally, the Parties note that the Case Management Conference (CMC) is currently
26 scheduled for November 16, 2016, which is prior to the proposed due-date for AHM’s responsive
27 pleading (*i.e.*, December 2, 2016). The Parties defer to the Court to decide whether the CMC
28 should be reset to a date that is after the responsive pleading is filed.

1 14. Because no case schedule has been set, the proposed time modification would not
2 have any impact on the scheduling in this case. This stipulation and request is made in the interest of
3 justice, not to delay the proceedings, and will not prejudice any party.

4 WHEREFORE, THE PARTIES HEREBY STIPULATE AND REQUEST the Court enter
5 the following Order:

6 (1) Plaintiffs shall have up to and including October 17, 2016 to file an Amended
7 Complaint;

8 (2) AHM shall have up to and including December 2, 2016 to answer, move, or otherwise
9 respond to the Amended Complaint;

10 (3) The ADR Deadline shall be extended to and including November 18, 2016 (or some date
11 after October 17, 2016 as the Court directs); and

12 (4) If the Court deems it advisable, the Case Management Conference currently set for
13 November 16, 2016 (ECF No. 10) shall be vacated and reset to occur after December 2, 2016 on a
14 date convenient for the Court.

15 Respectfully submitted,

16
17 /s/ Livia M. Kiser

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27 Dated: October 7, 2016
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/s/ Steve W. Berman

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11 *Attorneys for Plaintiffs and the Proposed Classes*
12 *and Subclasses*

13 Dated: October 7, 2016

1 **SIGNATURE ATTESTATION**

2 I am the ECF User whose identification and password are being used to file the foregoing
3 Stipulation. In compliance with Civil Local Rule 5.1, I hereby attest that the signatory has concurred
4 in this filing.

5
6 Dated: October 7, 2016

By: /s/ Livia M. Kiser
Livia M. Kiser

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1 **[PROPOSED] ORDER**

2 Pursuant to the above Stipulation, IT IS SO ORDERED.

3 DATED: October 11, 2016

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6 Hon. Jon S. Tigar

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