

1 Robert J. Giuffra, Jr. (*pro hac vice*)
 giuffrar@sullcrom.com
 2 William B. Monahan (*pro hac vice*)
 monahanw@sullcrom.com
 3 Darrell S. Cafasso (*pro hac vice*)
 cafassod@sullcrom.com
 4 SULLIVAN & CROMWELL LLP
 5 125 Broad Street
 New York, New York 10004
 6 Telephone: (212) 558-4000
 Facsimile: (212) 558-3588
 7

8 Kyle Niemi (SBN 4147849)
 niemik@sullcrom.com
 9 SULLIVAN & CROMWELL LLP
 10 1870 Embarcadero Road
 Palo Alto, California 94303
 Telephone: (650) 461-5600
 11 Facsimile: (650) 461-7700

12 *Counsel for Defendant FCA US LLC*

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

17 JOSE CHAVEZ, individually
 and on behalf of all others
 18 similarly situated,
 19
 Plaintiff,

20 v.

21 FCA US LLC, a Delaware
 Limited Liability Company;
 22 ROBERT BOSCH GMBH, a
 corporation organized under the
 23 laws of Germany; and ROBERT
 24 BOSCH LLC, a Delaware
 Limited Liability Company,
 25

26 Defendants.
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 28

Case No. 3:16-cv-06909-EMC

**STIPULATION AND [PROPOSED]
 ORDER TO STAY ACTION
 PENDING DECISION BY THE
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION**

Judge: Honorable Edward M. Chen

1 WHEREAS, on December 1, 2016, plaintiff Jose Chavez filed a
2 complaint (the “Original Complaint”) against FCA US LLC (“FCA”), Robert
3 Bosch LLC, and Robert Bosch GmbH (together, “Defendants”);

4 WHEREAS, on December 29, 2016, the parties agreed on a schedule
5 for the filing of answers, motions to dismiss or other responsive pleadings with
6 respect to the Original Complaint;

7 WHEREAS, on January 13, 2017, plaintiff Jose Chavez, along with
8 plaintiffs Benjamin Greenberg, Miguel Fragoso, and Andrew Loescher (together,
9 “Plaintiffs”), filed an amended complaint (the “Amended Complaint”);¹

10 WHEREAS, Plaintiffs allege in the Amended Complaint that
11 Defendants made false representations concerning vehicle emissions and fuel
12 efficiency concerning model year 2014-2016 Dodge Ram 1500 and model year
13 2014-2016 Jeep Grand Cherokee vehicles equipped with “EcoDiesel” engines (*see*
14 Dkt. 31, at 4);

15 WHEREAS, Plaintiffs allege that the vehicles were equipped with a
16 so-called “defeat device” designed to limit emissions and increase fuel efficiency
17 in testing conditions (*see id.* at 3);

18 WHEREAS, Plaintiffs purport to bring suit on behalf of a national,
19 putative class of purchasers and lessees of the Dodge Ram 1500 and the Jeep
20 Grand Cherokee vehicles with EcoDiesel engines (*see id.* at 50–54);

21 WHEREAS, at least eight other putative class action lawsuits (with
22 the instant action, the “Actions”) have been filed against FCA and/or Defendants
23 making similar allegations concerning false representations of fuel efficiency and
24 vehicle emissions in FCA vehicles with diesel engines that were allegedly
25

26 _____
27 ¹ By entering into this stipulation, Defendants do not waive, and expressly
28 preserve, all defenses, including all defenses concerning jurisdiction, service or
otherwise.

1 equipped with “defeat devices,”² and additional such suits may be filed in the
2 future;

3 WHEREAS, plaintiffs in one of the Actions, *Warren v. FCA US LLC*,
4 No. 17-cv-00059, have filed a motion with the Judicial Panel on Multidistrict
5 Litigation (“JPML”) requesting Transfer and Centralization of all Related Cases
6 (and any future-filed “tag-along” actions), including the instant action, for
7 coordinated or consolidated pretrial proceedings in a multidistrict litigation
8 (“MDL”; the “MDL Motion”), see *In re Chrysler-Dodge-Jeep EcoDiesel Mktg.*
9 *Sales Practices, and Prods. Liab. Litig.*, MDL No. Pending (J.P.M.L. filed February
10 9, 2017) (Dkt. No. 1);

11 WHEREAS, FCA intends to file a brief with the JPML supporting
12 centralization of the Actions, including the instant action, and any “tag-along” cases
13 in one district for consolidated pre-trial proceedings;

14 WHEREAS, FCA anticipates that the MDL Motion will be set for the
15 next JPML Hearing Session on March 30, 2017;

16 WHEREAS, the parties have met and conferred and agree that the
17 requested stay during the pendency of the MDL Motion would save judicial and
18 party resources;

19 WHEREAS, if the MDL Motion is withdrawn and no Defendant
20 thereafter (within two weeks of withdrawal) files its own motion with the JPML
21 requesting transfer and centralization of all Actions (and any future-filed “tag-
22 along” actions), including the instant action, for coordinated or consolidated pretrial
23

24
25 ² *Stephens v. FCA US LLC et al.*, No. 17-cv-00040 (M.D. Ala.); *Warren v.*
26 *FCA US LLC et al.*, No. 17-cv-00059 (N.D. Ala.); *Fasching v. FCA US LLC et al.*,
27 *No. 17-cv-00231* (N.D. Cal.); *Carpenter v. FCA US LLC et al.*, No. 17-cv-00288
28 (N.D. Cal.); *Walker v. FCA US LLC et al.*, No. 17-cv-00405 (N.D. Cal.); *Kitchel v.*
FCA US LLC et al., No. 17-cv-00538 (N.D. Cal.); *Sebastian v. FCA US LLC et al.*,
No. 17-cv-00085 (S.D. Cal.); *Marlatt v. FCA US LLC et al.*, No. 17-cv-00096
(S.D. Ohio).

1 proceedings in an MDL, the parties agree that the stay of this action should be
2 immediately lifted; and

3 WHEREAS, should a stay order not be entered in any other related
4 case, either party may move to lift the stay of this action.

5 NOW, THEREFORE, the parties, by and through their undersigned
6 attorneys, hereby stipulate and request that the Court enter an Order staying all
7 proceedings and cancelling any deadlines in this action until further order of the
8 Court after the JPML has decided whether to centralize the Actions, including the
9 instant action, in an MDL proceeding.

10
11 Dated: February 10, 2017

Respectfully and jointly submitted,

12 /s/ Robert J. Giuffra, Jr.

13 Robert J. Giuffra, Jr.

14 giuffrar@sullcrom.com

15 William B. Monahan

16 monahanw@sullcrom.com

17 Darrell S. Cafasso

18 cafassod@sullcrom.com

19 SULLIVAN & CROMWELL LLP

20 125 Broad Street

21 New York, New York 10004

22 Telephone: (212) 558-4000

23 Facsimile: (212) 558-3588

24 Kyle Niemi (SBN 4147849)

25 niemik@sullcrom.com

26 SULLIVAN & CROMWELL LLP

27 1870 Embarcadero Road

28 Palo Alto, California 94303

Telephone: (650) 461-5600

Facsimile: (650) 461-7700

Counsel for Defendant FCA US LLC

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Dated: February 10, 2017

Respectfully submitted,

/s/ Matthew D. Slater (with permission)

Matthew D. Slater
mslater@cgsh.com

CLEARY GOTTLIEB STEEN &
HAMILTON LLP

2000 Pennsylvania Avenue, NW
Washington, D.C. 20006

Telephone: (202) 974-1500

Facsimile: (292) 974-1999

*Counsel for Defendant Robert Bosch
LLC*

Dated: February 10, 2017

Respectfully submitted,

/s/ Steve W. Berman (with
permission)

Steve W. Berman (*pro hac vice*)
steve@hbsslaw.com

Jessica M. Thompson (*pro hac vice*)
jessicat@hbsslaw.com

HAGENS BERMAN SOBOL SHAPIRO
LLP

1918 Eighth Avenue, Suite 3300
Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594

Shana E. Scarlett (SBN 217895)
shanas@hbsslaw.com

HAGENS BERMAN SOBOL SHAPIRO
LLP

715 Hearst Avenue, Suite 202
Berkeley, California 94710

Telephone: (510) 725-3000

Facsimile: (510) 725-3001

Peter B. Fredman (189097)

LAW OFFICE OF PETER FREDMAN PC

125 University Ave, Suite 102
Berkeley, CA 94710

Telephone: (510) 868-2626

Facsimile: (510) 868-2627

peter@peterfredmanlaw.com

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Christopher A. Seeger (*pro hac vice to
be filed*)
SEEGER WEISS LLP
77 Water Street
New York, NY 10005
Telephone: (212) 584-0700
Facsimile: (212) 584-0799
cseeger@seegerweiss.com

James E. Cecchi
CARELLA, BYRNE, CECCHI,
OLSTEIN BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, NJ 07068
Telephone: (973) 994-1700
Facsimile: (973) 994-1744
jcecchi@carellabyrne.com

Robert C. Hilliard (*pro hac vice to be filed*)
HILLIARD MUNOZ GONZALES LLP
719 S. Shoreline Blvd., Suite 500
Corpus Christi, TX 78401
Telephone: (361) 882-1612
bobh@hmglawfirm.com

Jeffrey S. Goldenberg
GOLDENBERG SCHNEIDER, L.P.A.
One West Fourth Street, 18th Floor
Cincinnati, Ohio 45202-3604
Telephone: (513) 345-8297
Facsimile: (513) 345-8294
jgoldenberg@gs-legal.com

Counsel for Plaintiffs

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ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: February 10, 2017

SULLIVAN & CROMWELL LLP

/s/ Williams B. Monahan

William B. Monahan

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

2/15/17

Honorable Edward M. Chen
UNITED STATES DISTRICT JUDGE