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11 *Counsel for Defendants FCA US LLC*
 12 *and Fiat Chrysler Automobiles N.V.*

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

17 MATHUE FASCHING,
 individually and on behalf of all
 18 others similarly situated,
 19 Plaintiff,
 20 v.
 21 FCA US LLC and FIAT
 CHRYSLER AUTOMOBILES
 22 N.V.,
 23 Defendants.

Case No. 3:17-cv-00231-EMC

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

Judge: Honorable Edward M. Chen

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1 WHEREAS, on January 17, 2017, plaintiff Mathue Fasching
2 (“Plaintiff”) filed a complaint (the “Complaint”) against FCA US LLC (“FCA”)
3 and Fiat Chrysler Automobiles N.V. (together, “Defendants”);¹

4 WHEREAS, the Complaint alleges that Defendants made false
5 representations concerning vehicle emissions and fuel efficiency concerning model
6 year 2014-2016 Dodge Ram 1500 and model year 2014-2016 Jeep Grand
7 Cherokee vehicles equipped with 3.0-liter “EcoDiesel” engines (*see* Dkt. 1, at 1);

8 WHEREAS, Plaintiff alleges that the vehicles were equipped with a
9 so-called “defeat device” designed to limit emissions and increase fuel efficiency
10 in testing conditions (*see id.*);

11 WHEREAS, Plaintiff purports to bring suit on behalf of a national,
12 putative class of purchasers and lessees of the Dodge Ram 1500 and Jeep Grand
13 Cherokee vehicles with EcoDiesel engines (*see id.* at 2);

14 WHEREAS, at least eight other putative class action lawsuits (with
15 the instant action, the “Actions”) have been filed against FCA and/or Defendants
16 making similar allegations concerning false representations of fuel efficiency and
17 vehicle emissions in FCA vehicles with diesel engines that were allegedly
18 equipped with “defeat devices,”² and additional such suits may be filed in the
19 future;

20 WHEREAS, plaintiffs in one of the Actions, *Warren v. FCA US LLC*,
21 No. 17-cv-00059, have filed a motion with the Judicial Panel on Multidistrict
22 Litigation (“JPML”) requesting Transfer and Centralization of all Related Cases

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

26 ² *Stephens v. FCA US LLC et al.*, No. 17-cv-00040 (M.D. Ala.); *Chavez v.*
27 *FCA US LLC et al.*, No. 16-cv-06909 (N.D. Cal.); *Warren v. FCA US LLC et al.*,
28 *No. 17-cv-00059* (N.D. Ala.); *Carpenter v. FCA US LLC et al.*, No. 17-cv-00288
(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-

1 (and any future-filed “tag-along” actions), including the instant action, for
2 coordinated or consolidated pretrial proceedings in a multidistrict litigation
3 (“MDL”; the “MDL Motion”), *see In re Chrysler-Dodge-Jeep EcoDiesel Mktg.*,
4 Sales Practices, and Prods. Liab. Litig., MDL No. Pending (J.P.M.L. filed February
5 9, 2017) (Dkt. No. 1);

6 WHEREAS, FCA intends to file a brief with the JPML supporting
7 centralization of the Actions, including the instant action, and any “tag-along”
8 cases in one district for consolidated pretrial proceedings;

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

11 WHEREAS, the parties have met and conferred and agree that the
12 requested stay during the pendency of the MDL Motion would save judicial and
13 party resources; and

14 WHEREAS, should a stay order not be entered in any other related
15 case, or be suspended, lifted, or invalidated, either party may move to lift the stay
16 of this action.

17 NOW, THEREFORE, the parties, by and through their undersigned
18 attorneys, hereby stipulate and request that the Court enter an Order staying all
19 proceedings in this action, including the filing of an answer, motion to dismiss or
20 other responsive pleading, until the JPML has decided whether to centralize the
21 Actions, including the instant action, in an MDL proceeding.

1 Dated: February 10, 2017

Respectfully and jointly submitted,

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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/ William B. Monahan
William B. Monahan

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/18/17

Honorable Edward M. Chen
UNITED STATES DISTRICT JUDGE