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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

DAVID BARANCO, JAMES ABBITT,  
HARRIET ABRUSCATO, DONALD  
BROWN, DANIEL CARON, GARY  
DICKEN, ANITA FARRELL, JOHN  
FURNO, GREG CARAT, JOHN  
HANNAH, GARY KUBBER, MALISA  
NICOLAU, and APRIL NICOLO,  
individually and on behalf of all others  
similarly situated,  
  
  Plaintiffs,  
  
  vs.  
  
FORD MOTOR COMPANY, a Delaware  
corporation,  
  
  Defendants.

Case No. 3:17-cv-03580-EMC  
  
Assigned to Hon.Edward M. Chen,  
Courtroom 5 – San Francisco  
  
**CLASS ACTION**  
  
**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER REGARDING**  
**RESPONDING TO PLAINTIFFS’**  
**THIRD AMENDED COMPLAINT**  
**[L.R. 6-1(A)]**  
  
Complaint Filed:                        June 21, 2017  
1st Amend Complaint: August 18, 2017  
2nd Amend Complaint: April 11, 2018  
3<sup>rd</sup> Amend Complaint: May 31, 2018  
Trial Date:  November 4, 2019

1 Plaintiffs and Defendant FORD MOTOR COMPANY (“Ford”) (collectively  
2 the “Parties”), by and through their respective counsel, hereby stipulate as follows:

3 **WHEREAS**, on May 31, 2018, Plaintiffs filed a Third Amended Class Action  
4 Complaint (“TAC”);

5 **WHEREAS**, Ford’s response to the TAC is currently due on June 21, 2018;

6 **WHEREAS**, Ford has advised Plaintiffs that it intends on filing a motion to  
7 dismiss certain claims in response to the TAC in accordance with Fed. R. Civ.  
8 P.12(b)(6);

9 **WHEREAS**, upon stipulation of the parties, it is agreed that Ford need not file  
10 an Answer to Plaintiffs’ TAC until after its motion is decided;

11 **WHEREAS**, the parties agree to the following deadlines relating to Ford’s  
12 anticipated motion to dismiss;

13	June 28, 2018	Ford’s Motion to Dismiss TAC
14	August 10, 2018	Plaintiff’s Opposition to Motion to Dismiss
15	August 24, 2018	Ford’s Reply in Support of Motion to Dismiss

16 **WHEREAS**, pursuant to Local Rule 6-1(a), this stipulation is permissible  
17 without Court order because it does not alter the date of any event or any deadline  
18 already fixed by Court order;

19 **WHEREAS**, counsel for Defendant, as the filer of this document, attests that  
20 concurrence in the filing of the document has been obtained from each of the other  
21 signatories;

22 **IT IS THEREFORE STIPULATED BETWEEN THE PARTIES THAT:**

- 23 1. Ford will not file an Answer to Plaintiffs’ Third Amended Class  
24 Action Complaint but instead will file a motion to dismiss  
25 pursuant to Fed. R. Civ. P.12(b)(6);
- 26 2. The briefing schedule relating to Fords’ anticipated Motion to  
27 Dismiss is as follows:

1 June 28, 2018 Ford's Motion to Dismiss TAC  
2 August 10, 2018 Plaintiff's Opposition to Motion to Dismiss  
3 August 24, 2018 Ford's Reply in Support of Motion to Dismiss;  
4 3. Ford need not file an Answer to Plaintiffs' Third Amended Class  
5 Action Complaint until after Ford's Motion to Dismiss is decided.

6 Dated: June 15, 2018 DYKEMA GOSSETT LLC  
7 By: /s/ Tamara A. Bush  
8 David M. George (admitted *pro hac vice*)  
9 John M. Thomas  
10 Tamara A. Bush  
11 Attorneys for Defendant  
12 FORD MOTOR COMPANY

13 Dated: June 15, 2018  
14  
15 **MCCUNE WRIGHT AREVALO LLP**  
16 By: /s/ Matthew D. Schelkopf  
17 Matthew D. Schelkopf  
18 Attorney for Plaintiffs

19 **[PROPOSED] ORDER**

20 PURSUANT TO STIPULATION OF THE PARTIES, the Stipulation is  
21 GRANTED. The Court Orders that:

22 1. The briefing schedule relating to Fords' anticipated Motion to Dismiss  
23 Plaintiffs' Third Amended Class Action Complaint is as follows:

24 June 28, 2018 Ford's Motion to Dismiss TAC Due  
25 August 10, 2018 Plaintiff's Opposition to Motion to Dismiss Due  
26 August 24, 2018 Ford's Reply in Support of Motion to Dismiss Due;

27 3. Ford need not file an Answer to Plaintiffs' Third Amended Class Action  
28 Complaint until after Ford's Motion to Dismiss is decided.

**IT IS SO ORDERED.**

29 DATED: 6/18/18 By: \_\_\_\_\_  
30 HONORABLE EDWARD M. CHEN  
31 UNITED STATES DISTRICT COURT DISTRICT JUDGE  
32 Judge Edward M. Chen

