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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, ANITA  
FARRELL, JOHN FURNO, JAMES  
JENKIN, GARY KUBBER and  
MALISA NICOLAU, 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 PLAINTIFFS’  
THIRD AMENDED CLASS ACTION  
COMPLAINT [L.R. 6-1(A)]**

Complaint Filed: June 21, 2017  
1<sup>st</sup> Amend Complaint: August 18, 2017  
2<sup>nd</sup> Amend Complaint: April 11, 2018  
Trial Date: None

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

3 **WHEREAS**, Ford’s response to Plaintiffs’ Second Amended Class Action  
4 Complaint is due on May 23, 2018;

5 **WHEREAS**, Plaintiffs have informed Ford that they would like to amend their  
6 complaint to add three named plaintiffs and have asked Ford whether it will consent  
7 to them filing a Third Amended Class Action Complaint to add such plaintiffs;

8 **WHEREAS**, Ford has consented to Plaintiffs’ request to file a Third Amended  
9 Class Action Complaint to add three named plaintiffs;

10 **WHEREAS**, as part of the parties’ agreement that Plaintiffs may file a Third  
11 Amended Class Action Complaint to add three named plaintiffs, Plaintiffs agreed to  
12 (1) allege, for all named Plaintiffs, the Vehicle Identification Number for each  
13 plaintiff’s vehicle and the date each plaintiff purchased his or her vehicle; and  
14 (2) waive all arguments that the filing date of the new plaintiffs relates back to the  
15 date of the filing of the original complaint (i.e., the filing date of the new plaintiffs’  
16 claims shall be the date the Third Amended Complaint is filed);

17 **WHEREAS**, Plaintiffs agree to file their Third Amended Complaint by  
18 May 31, 2018; and

19 **WHEREAS**, Plaintiffs agree that Ford need not file a response to the Second  
20 Amended Complaint and that its response to Plaintiffs’ Third Amended Complaint  
21 shall be filed by June 21, 2018;

22 **WHEREAS**, counsel for Defendant, as the filer of this document, attests that  
23 concurrence in the filing of the document has been obtained from each of the other  
24 signatories:

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

- 26 1. Plaintiffs agree to file their Third Amended Complaint by May 31, 2018;  
27 and

1 2. Ford need not file a response to the Second Amended Complaint and  
2 that its response to Plaintiffs' Third Amended Complaint shall be filed  
3 by June 21, 2018.

4 Dated: May 23, 2018

DYKEMA GOSSETT LLC

5  
6 By: /s/ Tamara A. Bush

David M. George (admitted *pro hac vice*)  
John M. Thomas  
Tamara A. Bush  
Attorneys for Defendant  
FORD MOTOR COMPANY

9 Dated: May 23, 2018

MCCUNE WRIGHT AREVALO LLP

11 By: /s/ Matthew D. Schelkopf

Matthew D. Schelkopf  
Attorney for Plaintiffs

14 **[PROPOSED] ORDER**

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

- 17 1. Plaintiffs shall file their Third Amended Complaint by May 31, 2018;  
18 2. Ford need not file a response to the Second Amended Complaint; and  
19 3. Ford's response to Plaintiffs' Third Amended Complaint shall be filed  
20 by June 21, 2018.

21 **IT IS SO ORDERED.**

23 DATED: 5/24/18

24 By: \_\_\_\_\_

