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20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

23 ELISA CABEBE, HILLARY DICK, ISRAEL
 24 CHIA, ALEXANDRA MCCULLOUGH,
 25 MONTELL JONES, KEVIN BURKE,
 26 ARNIKA IRELAND, JEANINE INGRASSIA,
 27 SEIJI SILER-HYATTE, LASHANDRIKA
 28 WILLIAMS, LAURA WINDOM, and
 MICHAEL KANZLER, Individually and On
 Behalf of a Class of Similarly Situated
 Individuals,

Plaintiffs,

v.

NISSAN OF NORTH AMERICA, INC.,

Defendant.

Case No. 3:18-cv-00144-WHO

**STIPULATION AND
 ORDER REGARDING BRIEFING
 SCHEDULE AND HEARING DATE ON
 DEFENDANT’S MOTION TO DISMISS
 PORTIONS OF PLAINTIFFS’
 SECOND AMENDED COMPLAINT;
 DECLARATION OF MARK S.
 GREENSTONE IN SUPPORT**

1 Pursuant to Local Rule 6-1(b) and 6-2, Plaintiffs Elisa Cabebe, Hillary Dick, Israel Chia,
2 Alexandra McCullough, Montell Jones, Kevin Burke, Arnika Ireland, Jeanine Ingrassia, Seiji
3 Siler-Hyatte, Lashandrika Williams, Laura Windom, and Michael Kanzler (“Plaintiffs”) and
4 Defendant Nissan North America, Inc. (“Defendant”) (collectively, the “Parties”), hereby submit
5 this Stipulation and [Proposed] Order Regarding Briefing Schedule and Hearing Date on
6 Defendant’s Motion to Dismiss Portions of Plaintiffs’ Second Amended Complaint.

7 WHEREAS Plaintiff Elisa Cabebe filed the within action on January 8, 2018 and served
8 her Complaint on January 24, 2018;

9 WHEREAS the Court granted two previous stipulated requests extending Defendant’s
10 responsive pleading deadline (ECF 16 and ECF 20);

11 WHEREAS Defendant filed a Motion to Dismiss on March 7, 2018 (ECF 21);

12 WHEREAS on March 29, 2018 the Court granted the Parties’ Joint Stipulation to extend
13 the deadline for Plaintiff Cabebe to file an Amended Complaint, set a briefing Schedule, and to
14 continue the Case Management Conference (“CMC”) (ECF 26);

15 WHEREAS Plaintiff Cabebe filed a First Amended Class Action Complaint on April 19,
16 2018, adding Plaintiffs Dick, Chia, and McCullough (ECF 28);

17 WHEREAS on May 9, 2018, NNA filed its Motion to Dismiss Portions of Plaintiffs’ First
18 Amended Complaint (ECF 31);

19 WHEREAS on October 26, 2018, while NNA’s motion to dismiss was still pending, the
20 Court approved a Joint Stipulation extending the deadline for Plaintiffs Cabebe, Dick, Chia, and
21 McCullough to file a Second Amended Complaint until 21 Days after the Order on the pending
22 Motion to Dismiss (ECF 44) and later that day granted in part and denied in part Defendant’s
23 Motion to Dismiss (ECF 45) and therein set a deadline of November 15, 2018 for Plaintiffs to file
24 a Second Amended Complaint (“SAC”);

25 WHEREAS on November 9, 2018, in light of Plaintiffs’ representation that Plaintiffs were
26 adding additional class representatives from multiple states, the Parties filed a Joint Stipulation
27 Extending the Deadline to File the SAC and Setting a Briefing Schedule Thereto (ECF 46);
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1 WHEREAS on January 2, 2019 the Parties filed a Joint Case Management Statement and
2 therein requested further extensions of the briefing schedule related to Plaintiffs' SAC (ECF 50).
3 The extensions were requested in light of the fact that Plaintiffs' SAC added class representatives
4 from six additional states, and multiple additional related claims.

5 WHEREAS on January 8, 2019, the Parties attended a further CMC and thereafter the
6 Court issued an order approving the Parties' requested briefing schedule (ECF 51);

7 WHEREAS on February 1, 2019, Defendant filed a Motion to Dismiss Portions of
8 Plaintiffs' Second Amended Complaint (ECF 52);

9 WHEREAS on April 8, 2019, the Parties filed a Joint Stipulation Extending Case
10 Management Conference, Briefing Schedule and Hearing Date on Defendant's Motion to Dismiss
11 (ECF 53), which was approved by the Court on April 9, 2019 (ECF 54), and which extended the
12 deadline for Plaintiffs' opposition to May 3, 2019, extended the deadline for Defendant's reply to
13 May 28, 2019, and continued the CMC and hearing to June 12, 2019;

14 WHEREAS, due to ongoing activities in the case, the Parties agree that the current
15 briefing deadlines should be deferred, the hearing should be taken off calendar, and the dates for
16 briefing and hearing should be addressed at the June 12, 2019 CMC;

17 WHEREAS no previous continuances have been sought other than those described herein;

18 WHEREAS the continuance sought herein will not impact any other case deadlines.

19 THEREFORE, IT IS HEREBY STIPULATED by the parties through their respective
20 counsel, subject to court approval, as follows:

21 1. The May 3, 2019 deadline for Plaintiffs' Opposition to Defendants' Motion to
22 Dismiss Portions of Plaintiffs' Second Amended Complaint shall be extended to a new date to be
23 determined at the June 12, 2019 CMC;

24 2. The May 28, 2019 deadline for Defendant's Reply in support of its Motion to
25 Dismiss shall be extended to a new date to be determined at the June 12, 2019 CMC;

26 3. The June 12, 2019 hearing on Defendant's Motion to Dismiss shall be taken off
27 calendar and re-set for a new date to be determined at the June 12, 2019 CMC.

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IT IS SO STIPULATED.

Dated: May 1, 2019

GREENSTONE LAW APC

By: s/ Mark S. Greenstone
Mark S. Greenstone

GLANCY PRONGAY & MURRAY LLP

By: s/ Marc L. Godino
Lionel Z. Glancy
Marc L. Godino
Stan Karas
Danielle L. Manning

Attorneys for Plaintiffs

Dated: May 1, 2019

DRINKER BIDDLE & REATH LLP

By: /s/ Paul J. Riehle
Paul J Riehle
Matthew J. Adler
E. Paul Cauley Jr. (admitted *pro hac vice*)

Attorneys for Defendant
NISSAN NORTH AMERICA, INC.

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Attestation Pursuant to Civil Local Rule 5-1(i)

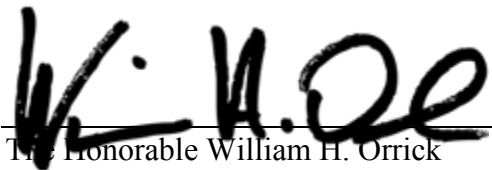
Pursuant to Civil Local Rule 5-1(i), I, Mark S. Greenstone, hereby attest that I have obtained concurrence in the filing of this document from the other signatory to this document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 1st day of May, 2019 in Los Angeles, California.

By: s/ Mark S. Greenstone
Mark S. Greenstone

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 6, 2019



The Honorable William H. Orrick
UNITED STATES DISTRICT JUDGE

1 **DECLARATION OF MARK S. GREENSTONE**

2 I, MARK S. GREENSTONE, hereby declare:

3 1. I am an attorney duly licensed to practice law before all of the courts of the State
4 of California and I am admitted to practice in the United States District Court for the Northern
5 District of California. I am the founding principle of the law firm Greenstone Law APC, and
6 counsel of record for Plaintiffs in the above-entitled action. Pursuant to Civil L.R. 6-2, I make
7 this Declaration in support of Plaintiffs Elisa Cabebe, Hillary Dick, Israel Chia, Alexandra
8 McCullough, Montell Jones, Kevin Burke, Arnika Ireland, Jeanine Ingrassia, Seiji Siler-Hyatte,
9 Lashandrika Williams, Laura Windom, and Michael Kanzler (“Plaintiffs”) and Defendant Nissan
10 North America, Inc. (“Defendant”) (collectively, the “Parties”), Stipulation and [Proposed] Order
11 Regarding Briefing Schedule and Hearing Date on Defendant’s Motion to Dismiss Portions of
12 Plaintiffs’ Second Amended Complaint. I have personal knowledge of the matters stated herein
13 and, if called upon, I could and would competently testify to them.

14 2. Pursuant to the Court’s Order (ECF 54), Plaintiffs’ Opposition to Defendant’s
15 pending Motion to Dismiss portions of the Second Amended Complaint (“SAC”) is due May 3,
16 2019. Defendant’s Reply is due on May 28, 2019. The hearing is set for June 12, 2019.
17 However, due to ongoing activities in the case, the Parties agree that the current briefing
18 deadlines should be deferred, the hearing should be taken off calendar, and the dates for briefing
19 and hearing should be addressed at the June 12, 2019 Case Management Conference.

20 3. The continuance requested herein will not otherwise impact any other deadlines in
21 the case.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st
23 day of May, 2019, in Los Angeles, California.

24 *s/ Mark S. Greenstone*

25

Mark S. Greenstone