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Attorneys for Plaintiff Derek Friedrichs and the Proposed Class

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

DEREK FRIEDRICHS, individually and on  
behalf of all others similarly situated

Plaintiff,

vs.

BMW FINANCIAL SERVICES LLC, a  
limited liability company, and DOES 1-25,  
inclusive,

Defendant.

Case No. C08-04486 PJH

CLASS ACTION

**[PROPOSED] INJUNCTION**

**Date: September 23, 2009**  
**Time: 9:00 a.m.**  
**Dept.: Courtroom 3, 17<sup>th</sup> Floor**  
**Hon. Phyllis J. Hamilton**

\_\_\_\_\_ /

1  
2 The Settlement Agreement entered into by the parties to this case having been considered  
3 by this Court, and good cause appearing therefore,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

5 BMW Financial Services NA, LLC ("BMW Financial Serviced") shall and hereby is  
6 enjoined and restrained from taking any further steps to collect any amounts purportedly owed  
7 by any member of the Settlement Class arising out of a deficiency following repossession.  
8 BMW Financial Services shall immediately cease and shall not resume any such collection  
9 efforts. However, this Injunction does not bar BMW Financial Services from filing suit for fraud  
10 or misrepresentation against any member of the Settlement Class arising out of inaccurate  
11 information provided by or on behalf of the class member in connection with the vehicle  
12 purchase and/or loan, and seeking fraud damages.  
13

14 The parties waive any requirement of a bond or undertaking and none shall be required.  
15 No person who has notice of this Injunction shall fail to comply with it, nor shall any person  
16 subvert the Injunction by any sham, indirection or other artifice.  
17

18 Dated: September 23, 2009

19 By:



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PROOF OF SERVICE

Re: *Friedrichs v. BMW Financial Services, et al.*  
USDC – ND California Case No. C08-04486 PJH

I, Sean R. Barry, certify that I am not a party to the proceeding herein, that I am and was at the time of service over the age of 18 years old, and a resident of the State of California. My business address is 445 Bush Street, San Francisco, California 94108.

On August 19, 2009, I served the following:

**NOTICE OF MOTION, MOTION, AND MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

**DECLARATION OF NANCY BARRON IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

**DECLARATION OF MARK A. CHAVEZ IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

**[PROPOSED] ORDER GRANTING (1) CONDITIONAL CERTIFICATION OF A SETTLEMENT CLASS; (2) PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT; (3) ORDER FOR DISTRIBUTION OF CLASS NOTICE; AND (4) SETTING HEARING FOR FINAL APPROVAL**

**[PROPOSED] INJUNCTION**

by causing to be HAND DELIVERED to the person(s) and address(es) shown below:

**Michael J. Hassen  
Christopher H. Doyle  
JEFFER, MANGELS, BUTLER & MARMARO  
Two Embarcadero Center, 5<sup>th</sup> Floor  
San Francisco, CA 94111-3824  
Attorneys for Defendant BMW FINANCIAL SERVICES LLC**

and by depositing true copies thereof, enclosed in separate, sealed envelopes, each of which was addressed respectively to the person(s) and address(es) shown below, for collection and processing for mailing following this business' ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in

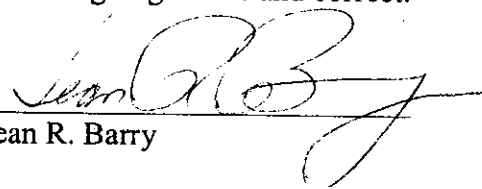
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the ordinary course of business with the United States Postal Service with the postage thereon fully prepaid, in the United States mail at San Francisco, California.

**Mark A. Chavez**  
**Nance F. Becker**  
**CHAVEZ & GERTLER**  
**42 Miller Ave.**  
**Mill Valley, CA 94941**  
**Attorneys for Plaintiff**

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 19, 2009

  
Sean R. Barry