

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4 **STEVE FERRARI, ET AL.,**
5 Plaintiffs,

6 v.

7 **MERCEDES-BENZ USA, LLC, ET AL.,**
8 Defendants.

Case No. 15-cv-04379-YGR

**ORDER GRANTING MOTIONS TO DISMISS
FIRST AMENDED COMPLAINT WITH LEAVE
TO AMEND**

Dkt Nos. 54 and 55

9
10 Plaintiffs Steve Ferrari, *et al.* (“Plaintiffs”) bring the instant putative class action against
11 Defendants Mercedes-Benz USA, LLC, Autobahn, Inc., David Ahlheim, and Sonic Automotive
12 Inc., alleging claims for: (1) violation of 18 U.S.C. sections 1961 *et seq.*, the Racketeer Influenced
13 and Corrupt Organizations Act (“RICO”); California Business & Professions Code section 17500,
14 the False Advertising Law (“FAL”); intentional misrepresentation; fraudulent concealment;
15 negligent misrepresentation; violation of California Business & Professions Code section 17200,
16 the Unfair Competition Law (“UCL”); and negligence. Defendants Autobahn, Inc., David
17 Ahlheim, and Sonic Automotive Inc. (collectively, “Autobahn”) filed their Motion to Dismiss the
18 First Amended Complaint (Dkt. No. 54). Defendant Mercedes-Benz USA, LLC separately filed
19 its Motion to Dismiss to Dismiss the First Amended Complaint. (Dkt. No. 55.)

20 Having carefully considered the papers submitted and the amended pleading in this action,
21 and for the reasons stated on the record at the May 10, 2016 hearing, the Court hereby **GRANTS** the
22 motions **WITH LEAVE TO AMEND**. Plaintiffs shall file their Second Amended Complaint
23 consistent with the Court’s statements on the record no later than **May 31, 2016**. Defendants shall
24 respond within 21 days thereafter.

25 **IT IS SO ORDERED.**

26 Dated: May 10, 2016

27 

28 **YVONNE GONZALEZ ROGERS**
UNITED STATES DISTRICT JUDGE