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19 *Attorneys for Defendants*

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 21 **UNITED STATES DISTRICT COURT**
 22 **NORTHERN DISTRICT OF CALIFORNIA**

23 BRIAN GILLARD, MIKE MADANI, SHANT
 BAKALIAN, ERIC WALLEY, and RICHARD
 24 DEVICO, on behalf themselves and all others
 similarly situated,

25
 26 Plaintiffs,

27 vs.

28 VOLKSWAGEN GROUP OF AMERICA,
 INC., VOLKSWAGEN AG, and AUDI AG
 Defendants.

Case No. 4:17-cv-07287-HSG

**STIPULATION AND ORDER TO
 EXTEND BRIEFING SCHEDULE,
 RESCHEDULE CASE MANAGEMENT
 CONFERENCE AND RESCHEDULE
 HEARING ON MOTION TO DISMISS**

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Pursuant to L.R. 6-1(b), 6-2, and 7-12, Plaintiffs (“Plaintiffs”) and Defendants (“Defendants”) (collectively, the “Parties”) enter into this stipulation with reference to the following facts and recitals:

WHEREAS, on February 15, 2019 the Court entered an Order granting in part and denying in part Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint; ordering an Amended Pleading to be filed on or before March 15, 2019; and scheduling a Case Management Conference (“CMC”) for April 16, 2019 with Case Management Statement (“CMS”) due by April 9, 2019 (Dkt. 69);

WHEREAS, Plaintiffs filed their Second Amended Complaint (“SAC”) on March 15, 2019 (Dkt. 71);

WHEREAS, Defendants filed their Motion to Dismiss the SAC (“MTD”) on March 29, 2019 and the clerk’s docketing entry set a response date of April 12, 2019; replies due by April 19, 2019; and scheduled a hearing on the MTD for August 1, 2019 (Dkt. 72);

WHEREAS, Plaintiffs’ counsel require a brief extension on their response to address the issues raised in the MTD;

WHEREAS, Plaintiffs’ counsel will be out of the country on August 1, 2019;

WHEREAS, counsel for the parties believe that the Court’s rulings with respect to the MTD will determine which claims, if any, are subject to litigation, and will therefore materially impact the formulation of a Joint Case Management Statement and proposed discovery schedule. In addition, counsel for the parties do not have offices within this District. Counsel respectfully submit that judicial

1 economy, as well as the parties' resources, would be conserved if the hearing on the MTD and the
2 Case Management Conference be held on the same date;

3 WHEREAS the Parties have met and conferred and have jointly agreed, subject to the Court's
4 approval, that Plaintiffs' response to the MTD shall be filed on or before May 13, 2019; that
5 Defendants' reply shall be filed on or before June 7, 2019; that the hearing date on the MTD be moved
6 up eight days to July 24, 2019; and that the presently scheduled CMC shall be adjourned to July 24,
7 2019 with CMS due on July 17, 2019;

8 WHEREAS, the requested extensions will not affect any other schedules in the case;

9 Plaintiffs and Defendants stipulate and agree as follows and request the Court enter an Order
10 as follows:

11 1. Plaintiffs' response to Defendants' Motion to Dismiss the Second Amended Complaint
12 shall be filed on or before May 13, 2019;

13 2. Defendants' Reply to Plaintiffs' response shall be filed on or before June 7, 2019;

14 3. Hearing on the Motion to Dismiss will be held on July 24, 2019;

15 4. The Case Management Conference currently scheduled for April 16, 2019 shall be
16 adjourned to the date of the hearing on the Motion to Dismiss on July 24, 2019, with Case Management
17 Statement due on July 17, 2019.

18 IT IS SO STIPULATED.

19 Dated: April 5, 2019

20 Respectfully submitted,

21 SIMMONS HANLY CONROY LLC

22 By: /s/ Mitchell M. Breit
23 MITCHELL M. BREIT

24 Attorneys for Plaintiffs

25 HERZFELD & RUBIN, P.C.

26 By: /s/ Michael B. Gallub
27 MICHAEL B. GALLUB

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Attorneys for Defendants.

Dated: April 5, 2019

Pursuant to L.R. 5-1(i), I attest that concurrence in the filing of this document has been obtained from the other signatories.

By: /s/ Mitchell M. Breit
Mitchell M. Breit

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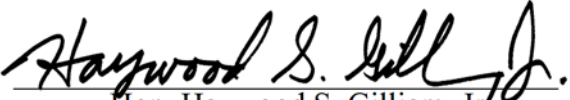
ORDER

Pursuant to the parties' stipulation, the Court hereby orders as follows:

1. Plaintiffs' response to Defendants' Motion to Dismiss the Second Amended Complaint shall be filed on or before May 13, 2019;
2. Defendants' Reply to Plaintiffs' response shall be filed on or before June 3, 2019;
3. Hearing on the Motion to Dismiss and the Case Management Conference will be held on July 18, 2019 at 2:00 p.m.
4. The filing date for the Case Management Statement is July 11, 2019.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 8, 2019



Hon. Haywood S. Gilliam, Jr.
United States District Judge