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18 ***Attorneys for Defendant***

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 MIKE MADANI, ROMSIN OUSHANA,
 22 and JOHN CHESS, on behalf of themselves
 and all others similarly situated,

23 Plaintiffs,

24 vs.

25 VOLKSWAGEN GROUP OF AMERICA,
 26 INC.

27 Defendant.
 28

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

**STIPULATION AND ORDER TO EXTEND
 DUE DATE TO FILE STIPULATION
 SETTING FORTH SCHEDULE FOR CASE
 THROUGH CLASS CERTIFICATION**

Current Due Date: **August 21, 2019** Proposed
 Due Date: **August 28, 2019**

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

4 WHEREAS, on February 15, 2019, the Court entered an Order granting in part and denying
5 in part Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint; and ordering an
6 Amended Pleading to be filed on or before March 15, 2019 (Dkt. 69);

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

9 WHEREAS, Defendant filed its Motion to Dismiss the SAC (“MTD-SAC”) on March 29,
10 2019 (Dkt. 72);

11 WHEREAS, pursuant to the Parties’ Stipulation approved by the Court, Plaintiffs’ filed their
12 Opposition to the MTD-SAC on May 13, 2019 (Dkt. No. 78) and Defendant filed its Reply on June
13 3, 2019 (Dkt. No. 79);

14 WHEREAS, pursuant to the Parties’ Stipulation and Court Order, the Parties filed their First
15 Amended Joint Case Management Statement on July 18, 2019 (Dkt. 82);

16 WHEREAS, on August 8, 2019 the Court entered an Order granting in part and denying in
17 part Defendant’s Motion to Dismiss Plaintiffs’ Second Amended Complaint; ordering an Amended
18 Pleading to be filed on or before August 22, 2019, and directing the Parties to file a stipulation and
19 proposed order by August 21, 2019, setting forth a schedule for the case through class certification
20 (Dkt. 84);

21 WHEREAS, Plaintiffs filed a Third Amended Complaint on August 19, 2019 (Dkt. 86);

22 WHEREAS, counsel for the Defendant would like to review the Third Amended Complaint
23 and have sufficient time thereafter to meet and confer with Plaintiffs’ counsel and present to the
24 Court a joint proposed schedule for the case through class certification;

25 WHEREAS the Parties have met and conferred and have jointly agreed, subject to the
26 Court’s approval, that the Stipulation setting forth a schedule for the case through class certification
27 shall be filed on or before August 28, 2019;

28 WHEREAS the requested brief extension will not affect any other schedules in the case;

1 Plaintiffs and Defendant stipulate and agree as follows and request the Court enter an Order
2 as follows:

3 1. The Parties' Stipulation and [Proposed] Order setting forth a schedule for the case
4 through class certification shall be filed on or before **August 28, 2019**.

5
6 **IT IS SO STIPULATED.**

7
8 Dated: August 20, 2019

SIMMONS HANLY CONROY LLC

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10
11 By: /s/ Mitchell M. Breit
12 MITCHELL M. BREIT
13 Attorneys for Plaintiffs

14 Dated: August 20, 2019

HERZFELD & RUBIN, P.C.

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16 By: /s/ Michael B. Gallub
17 MICHAEL B. GALLUB
18 Attorneys for Defendant
19 VOLKSWAGEN GROUP OF AMERICA, INC.

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ATTESTATION UNDER LOCAL RULE 5-1(i)(3)

I, Craig L. Winterman, am the ECF User whose ID and password are being used to file this **STIPULATION AND [PROPOSED] ORDER TO EXTEND DUE DATE TO FILE STIPULATION SETTING FORTH SCHEDULE FOR CASE THROUGH CLASS CERTIFICATION.** In compliance with Local Rule 5-1(i)(3), I hereby attest that Mitchell M. Breit, counsel for Plaintiffs, has concurred in this filing.

Dated: August 20, 2019

HERZFELD & RUBIN, LLP

By: /s/ Craig L. Winterman
CRAIG L. WINTERMAN
Attorneys for Defendant
VOLKSWAGEN GROUP OF AMERICA, INC.

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ORDER

Pursuant to the Parties' Stipulation, the Court hereby orders as follows:

1. The Parties' Stipulation and [Proposed] Order setting forth a schedule for the case through class certification shall be filed on or before **August 28, 2019**.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/21/2019


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