

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

**ELLEN BERMAN and DAYANA GUACH
on behalf of themselves and all others
similarly situated,**

Plaintiffs,

v.

**GENERAL MOTORS LLC, a Delaware
limited liability company,**

Defendant.

**CASE NO. 2:18-cv-14371
ROSENBERG/MAYNARD**

JOINT MOTION TO STAY PROCEEDINGS

Plaintiffs Ellen Berman and Dayana Guach (“Plaintiffs”) and Defendant General Motors LLC (“GM”) jointly move for an order (1) staying the proceedings in this case for a period of ninety (90) days (to allow for further settlement discussions) and (2) vacating GM’s current October 3, 2018 deadline for responding to the Complaint (to be reset if necessary once the stay is lifted), after representing as follows:

1. Plaintiffs filed their Complaint on September 10, 2018 (Dkt. No. 1), and GM was served with the Complaint on September 12, 2018 (Dkt. No. 4).
2. In addition to the instant action, similar purported class actions were previously filed against GM the United States District Court for the Northern District of California (*Hindsman v. General Motors LLC*, No. 17-cv-5337 (“*Hindsman*”)) on September 14, 2017 and in the United States District Court for the Northern District of Illinois (*Sanchez v. General Motors LLC*, No. 18-cv-02536 (“*Sanchez*”)) on April 19, 2018. They purport to be class actions involving the same alleged defect in Chevrolet Equinoxes as in this action.

3. Some of the attorneys representing the putative class in this case are also counsel of record for the plaintiffs in *Hindsman* and *Sanchez*.

4. On August 29, 2018, the plaintiffs' counsel in *Hindsman* and *Sanchez* and counsel for GM attended a full-day mediation with the Honorable Jay Gandhi (Ret.) at the JAMS Resolution Center in Los Angeles and developed a tentative outline of key portions of a potential settlement. However, certain issues remain unresolved and the same counsel have scheduled a follow-up mediation with Judge Gandhi for November 7, 2018.

5. Given the progress on settlement, and in order to allow the parties to focus on further settlement discussions as opposed to spending resources on litigation, the parties herein respectfully request a ninety (90) day stay of the proceedings in this case.

6. The parties believe that there is good cause for the requested stay, it is not requested for purposes of delay, and no party will be prejudiced by the brief stay.

7. Similar stays have recently been entered by the courts in the *Hindsman* and *Sanchez* cases. *See* attached Exhibits A and B.

8. The parties further request that GM's current October 3, 2018 deadline for responding to the Complaint be vacated and removed from the Court's calendar without prejudice to being reset if necessary at the time the stay is lifted.

WHEREFORE, the parties jointly request that the Court enter an order (1) staying the proceedings in this case for a period of ninety (90) days and (2) vacating GM's current October 3, 2018 deadline for responding to the Complaint, with that deadline to be reset if necessary once the stay is lifted.

Dated: October 2, 2018

Respectfully submitted,

/s/ Rachel Soffin

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**Pro hac vice forthcoming*

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Counsel for Defendant, General Motors LLC

CERTIFICATE OF SERVICE

The undersigned hereby states a copy of the foregoing was served through the Court's CM/ECF system on all parties of record on October 2, 2018.

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10 Attorneys for Plaintiffs,

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13
14 RYAN HINDSMAN, JAMES ANDREWS,
15 ROBIN PETERSON, DAINA MIRANDA, and
16 VANESSA MARYANSKI on behalf of
17 themselves and all others similarly situated,
18 Plaintiffs,

19 v.

20 GENERAL MOTORS LLC, a Delaware limited
21 liability company,

22 Defendant.

Case No. 3:17-cv-5337-JSC

**JOINT STIPULATION TO STAY THE
CASE**

23 **WHEREAS**, Defendant General Motors, LLC (“GM”) filed a motion to dismiss (Dkt. 59,
24 the “Motion”) Plaintiffs’ Second Amended Complaint and the hearing on the motion is presently
25 calendared on October 4, 2018, the same day as the scheduled Case Management Conference;

26 **WHEREAS**, Plaintiffs’ opposition to that Motion currently is due September 12, 2018;

27 **WHEREAS**, on August 29, 2018, the parties attended a full-day mediation with Hon. Jay
28 Gandhi (Ret.) at the JAMS Resolution Center in Los Angeles and developed a settlement
proposal that will require additional review by GM on or before September 30, 2018;

1 **WHEREAS**, the parties will know by September 30, 2018 if an additional mediation
2 session is warranted; if so, the parties will schedule it in October 2018, subject to Judge Gandhi's
3 calendar; if not, the parties will so advise the Court and request that the stay be lifted and
4 applicable dates be reset; and

5 **WHEREAS**, the parties jointly request a 90-day stay given the ongoing settlement
6 discussions and potential additional mediation, which, if granted on September 6, 2018, would
7 stay the case until December 5, 2018 absent further order of the Court,

8 **IT IS HEREBY STIPULATED**, by and between Plaintiffs and Defendant, by and
9 through their undersigned counsel of record, subject to the Court's approval, that the Court may
10 enter its order as follows:

- 11 1. The case is stayed until December 5, 2018, pending further order of the Court;
12 2. The hearing on GM's motion to dismiss plaintiffs' Second Amended Complaint
13 and the Case Management Conference scheduled for October 4, 2018 are removed from the
14 Court's calendar without prejudice to being re-set if and when the stay is lifted.

15 Dated: September 6, 2018

16 /s/ Theodore Maya

17 AHDOOT & WOLFSON PC

18 *Attorney for Plaintiffs*

16 /s/ Gregory R. Oxford

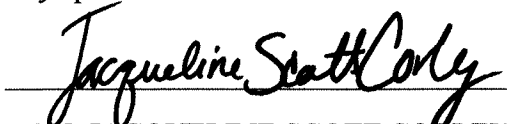
17 ISAACS CLOUSE CROSE & OXFORD LLP

18 *Attorney for Defendant General Motors LLC*

20
21 **PURSUANT TO STIPULATION, IT IS SO ORDERED,**

22 A further case management conference is set for December 13, 2018 at 1:30 p.m. and a joint
23 case management conference statement is due seven days prior.

24 Dated: September 7, 2018

25 
26 HON. JACQUELINE SCOTT CORLEY
27 UNITED STATE MAGISTRATE JUDGE
28

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2
Eastern Division**

Patrick Sanchez, et al.

Plaintiff,

v.

Case No.: 1:18-cv-02536

Honorable John J. Tharp Jr.

General Motors LLC

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, September 18, 2018:

MINUTE entry before the Honorable John J. Tharp, Jr: The parties' joint motion to stay proceedings [31] is granted. All proceedings in this case are stayed until 12/18/2018. The Defendant's current 9/28/2018 deadline to respond to the Amended Complaint is vacated, without prejudice to that date being reset if necessary at the time the stay is lifted. No appearance on the motion is required. A status hearing is scheduled for 1/8/19 at 9:00 a.m. Mailed notice(air,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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SOUTHERN DISTRICT OF FLORIDA
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**ELLEN BERMAN and DAYANA GUACH
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ROSENBERG/MAYNARD**

ORDER

Considering the foregoing Joint Motion to Stay Proceedings filed herein by Plaintiffs Ellen Berman and Dayana Guach and Defendant General Motors LLC (“GM”);

IT IS HEREBY ORDERED that said motion is granted, meaning (1) this case is stayed for a period of ninety (90) days from this date and (2) GM’s current October 3, 2018 deadline for responding to the Complaint is vacated and removed from the Court’s calendar, with that deadline to be reset if necessary once the stay is lifted.

Fort Pierce, Florida, this ____ day of October, 2018.

UNITED STATES DISTRICT JUDGE