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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 RAUL SIQUIEROS., *et al.*,

18 Plaintiffs,

19 v.

20 GENERAL MOTORS LLC,

21 Defendant.

Case No.: 16-cv-07244-EMC

**STIPULATION AND ~~PROPOSED~~ ORDER
MODIFYING CALIFORNIA CLASS
DEFINITION**

Judge: Hon. Edward M. Chen

1 WHEREAS, on September 14, 2020, the Court entered its Order Granting in Part Defendant’s
2 Motion to Dismiss Count 1; Denying Defendant’s Motion to Decertify the California Class; and Granting
3 Plaintiffs’ Motion to Intervene (ECF No. 278) (the “September 14 Order”);

4 WHEREAS, in the September 14 Order, the Court granted Messrs. May and Fernandez’s motion
5 for permissive intervention. ECF No. 278 at 15.

6 WHEREAS, the Court addressed the parties’ “agree[ment] that modifying and/or redefining the
7 California Class definition at this juncture is appropriate in light of the Song-Beverly Act’s limited scope
8 of only providing implied warranties to owners who purchased new vehicles.” *Id.*

9 WHEREAS, the Court directed “the parties to meet and confer to jointly propose language on the
10 California Class definition in light of the Song-Beverly Act.” *Id.* at 16.

11 WHEREAS, the Court further directed the parties to “resolve the representation status of [proposed
12 intervenor] Mr. May as part of this discussion.” *Id.*

13 WHEREAS, the parties have conferred and stipulate that the California Class Definition should
14 be modified to limit the class to current owners or lessees of a Class Vehicle that was purchased by the
15 current owner in new condition or leased by the current lessee in new condition in the State of California.

16 WHEREAS, the parties have conferred and stipulate that Mr. May no longer seeks intervention in
17 this action;

18 IT IS THEREFORE STIPULATED by the parties, through their counsel of record, subject to the
19 approval of the Court, as follows:

- 20 1. The California Class definition shall be amended as follows (amended language underlined
21 or struck through):

22 **California Class.** All current owners or lessees of a Class Vehicle ~~that was~~
23 who purchased or leased the vehicle in new condition in the State of
24 California. The Court certifies the claims of the California Class for
violation of the Song-Beverly Consumer Warranty Act for breach of
implied warranty, Cal. Civ. Code § 1790 *et seq.*

25 Whether the California Class can proceed will be determined by the Court after it evaluates the
26 adequacy of the newly proposed representative plaintiff.

- 27 2. Plaintiff Raul Siqueiros is removed as the appointed representative for the California Class,
28 although Mr. Siqueiros continues to assert his individual claims in this action.

3. Plaintiffs shall have leave to file a Seventh Amended Complaint by November 6, 2020 with Mr. Fernandez asserting claims on behalf of himself and, subject to the Court’s determination of his adequacy as a class representative, on behalf of other members of the California Class with respect to claims for violation of the Song-Beverly Consumer Warranty Act for breach of implied warranty.

Dated: November 5, 2020

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Counsel for Plaintiffs and the Proposed Classes

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: November 5, 2020

/s/ April N. Ross
April N. Ross

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated this 5th day of November, 2020



THE HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE

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