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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

OMAR VARGAS, ROBERT  
BERTONE, MICHELLE HARRIS,  
and SHARON HEBERLING  
individually, and on behalf of a class  
of similarly situated individuals,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant

Case No. CV12-08388 AB (FFMx)  
Hon. Judge André Birotte Jr.  
Crt Rm No. 790

**CLASS ACTION**

**PARTIES' JOINT NOTICE OF  
FILING OF THIRD AMENDMENT  
TO STIPULATION AND  
AGREEMENT OF SETTLEMENT**

CASE NO CV12-08388 AB (FFMx)

1 On March 5, 2020, this Court granted Final Approval to the Amended  
2 Settlement Agreement in this matter (Dkt. No. 302.) Section III.K of that  
3 Settlement Agreement provides that the Parties may effect additional amendments  
4 to the Settlement Agreement without further notice to the Class or approval by the  
5 Court “if such changes are consistent with the Court’s Final Approval Order and  
6 do not limit the rights of Class Members under this Settlement Agreement.”

7 The Parties hereby notify the Court that they have agreed to the attached  
8 Third Amendment to Stipulation and Agreement of Settlement, which extends the  
9 Total Payment Amount Calculation deadline in order to ensure that Class  
10 Members who purchased or leased Class Vehicles at the end of the class period  
11 have sufficient time to submit claims for cash payments or Vehicle Discount  
12 Certificates.

13  
14 Dated: November 26, 2024

Respectfully submitted,  
Capstone Law APC

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17 By: /s/ Ryan H. Wu

Ryan H. Wu  
Tarek H. Zohdy  
Cody R. Padgett  
Trisha Monesi

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20 Attorneys for Plaintiffs and the Class

21 Dated: November 26, 2024

Respectfully submitted,  
Dykema Gossett PLLC

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24 By: /s/ Tamara A. Bush

John M. Thomas  
Krista L. Lenart  
Tamara A. Bush

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27 Attorneys for Defendant Ford Motor  
Company

**Certification of Compliance with C.D. Cal. L.R. 5-4.3.4(a)(2)(i)**

I hereby certify that pursuant to C.D. Cal. L.R. 5-4.3.4(a)(2)(i), I have obtained the authorization from the above signatories to file the above-referenced document, and that the above signatories concur in the filing's content.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 26, 2024.

By: /s/ Tamara A. Bush  
Tamara A. Bush

087770.000156 4893-5600-3830.3

**In the United States District Court  
for the Central District of California**

***Vargas v. Ford Motor Co***

**Case No. 2:12-cv-08388-AB-FFM**

**THIRD AMENDMENT TO STIPULATION AND AGREEMENT OF SETTLEMENT**

This Third Amendment (“Amendment”) to the Stipulation and Agreement of Settlement (“Settlement Agreement”) is entered into by and among the named Plaintiffs Omar Vargas, Robert Bertone, Michelle Harris, Sharon Heberling, Kevin Klipfel, Andrea Klipfel, Maureen Cusick, Eric Dufour, Abigail Fisher, Christi Groshong, Virginia Otte, Tonya Patze, Lindsay Schmidt, Patricia Schwennker, and Patricia Soltesiz, Joshua Bruno, Jason Porterfield, and Jamie Porterfield (collectively, the “Named Plaintiffs” or “Class Representatives” or “Plaintiffs”), and Defendant Ford Motor Company (“Ford”) (collectively, the “Settling Parties”), by and through their respective counsel.

**RECITALS**

WHEREAS, on September 28, 2012, the action entitled *Omar Vargas v. Ford Motor Company* was filed in the United States District Court for the Central District of California (“*Vargas*”). The case was initially assigned to the Honorable Audrey B. Collins, given the case number 2:12-cv-08388, and subsequently transferred to the calendar of the Honorable André Birotte Jr.;

WHEREAS, the *Vargas* complaint alleged causes of action against Ford for violating California’s and Florida’s consumer protection laws, breach of express warranty, and breach of implied warranty under the Song-Beverly Consumer Warranty Act. The complaint alleged that the PowerShift Transmission (“Transmission” or “DPS6”) installed in certain model year Ford Fiesta and Ford Focus vehicles is dangerously defective. Plaintiffs allege that the Transmission slips, bucks, kicks, and jerks, resulting in sudden or delayed acceleration of the vehicle. In the Complaint, Plaintiffs sought certification of a nationwide class of current and former owners and lessees of vehicles equipped with such transmissions;

WHEREAS, in 2017 the Settling Parties reached a nationwide class action settlement that was subsequently amended in January 2020, and on March 5, 2020, the district court granted Final Approval to the Settlement Agreement, as amended;

WHEREAS, the Settling Parties have now reached agreement on a Third Amendment to the Settlement Agreement in order to ensure that Class Members who purchased or leased Class Vehicles at the end of the class period (i.e., approaching or on April 25, 2017) have a sufficient opportunity to submit claims for cash payments or Vehicle Discount Certificates, and it is hereby agreed by the Settling Parties as follows:

1. The first sentence of Section II.FF.2 of the Amended Settlement Agreement is amended to read as follows:

2. ~~Within thirty days after October 21, 2024~~ By February 28, 2025, the Claims Administrator shall calculate and submit to Ford and Class Counsel the Total Payment Amount, which will be the sum of the total dollar value of all prepaid cards issued pursuant to Sections II.B, II.C, and II.EE, plus the total face value of all Vehicle Discount Certificates issued under Section II.C.

**IT IS SO AGREED.**

**CAPSTONE LAW APC**

By: /s/ Ryan H. Wu

Ryan H. Wu

Class Counsel

Date: 11/25/2024

**DYKEMA GOSSETT PLLC**

By: /s/ Krista L. Lenart

Krista Lenart

Counsel For Ford Motor Company

Date: 11/25/2024

## Notices

[2:12-cv-08388-AB-FFM Omar Vargas v. Ford Motor Company](#)

**CASE CLOSED on 03/05/2020**

(FFMx), **CLOSED**, DISCOVERY, LEADTR, MANADR, PROTORD

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

### Notice of Electronic Filing

The following transaction was entered by Bush, Tamara on 11/26/2024 at 12:09 PM PST and filed on 11/26/2024

**Case Name:** Omar Vargas v. Ford Motor Company

**Case Number:** [2:12-cv-08388-AB-FFM](#)

**Filer:** Ford Motor Company

**WARNING: CASE CLOSED on 03/05/2020**

**Document Number:** [337](#)

**Docket Text:**

**Notice Joint Notice of Filing of Third Amendment to Stipulation and Agreement of Settlement filed by defendant Ford Motor Company. (Attachments: # (1) Supplement Third Amendment to Stipulation and Agreement of Settlement)(Bush, Tamara)**

**2:12-cv-08388-AB-FFM Notice has been electronically mailed to:**

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**2:12-cv-08388-AB-FFM Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :**

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The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**C:\fakepath\FORD VARGAS 2024 Joint Notice for Third Amendment.pdf

**Electronic document Stamp:**

[STAMP cacdStamp\_ID=1020290914 [Date=11/26/2024] [FileNumber=39080613-0] [8d28bcab79a6b699fbb4269df3d175d9d97759741e00e1c0952cdf3109014cdad2f1169501db48c3e287a960d34255c0a790b1b7b23ff7079ec0facf9decc650]]

**Document description:**Supplement Third Amendment to Stipulation and Agreement of Settlement

**Original filename:**C:\fakepath\Third Amendment to Vargas Settlement Agreement.pdf

**Electronic document Stamp:**

[STAMP cacdStamp\_ID=1020290914 [Date=11/26/2024] [FileNumber=39080613-1] [60c25ee7a5fe9fee2dcce6737cdc23da4af51ee491985216ef51949a45265df8510a0cf42f8cc6b267d00143ad3a4f7cf67b3091e4129be9a0d8b1361188ee]]