Wieg et al v. General Motors LLC

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

MARY WIEG, et al.,

Plaintiffs, v. GENERAL MOTORS LLC,

Defendant.

Case No. 23-cv-04358-SI

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT Re: Dkt. No. 36

Dkt. No. 36. Plaintiffs oppose and request leave to file a

Second Amended Complaint. Dkt. No. 38. Pursuant to Civil Local Rule 7-1(b), the Court determines that the motion is suitable for resolution without oral argument, and VACATES the January 5, 2024 hearing. For the reasons set forth in the order on motion to dismiss at Dkt. No. 40 of 23-cv-04319-SI, Poonam D. Shah v. General Motors LLC motion to dismiss the fraud claims 1

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1 The fraud claims include the fourth cause of action alleging affirmative misrepresentation Code § 17200.

2 The First Amended Complaints and briefs in 23-cv-04319-SI and this action are virtually identical. The Court notes that plaintiffs in this action purchased the subject vehicle on December 29, 2018, so there are fewer allegations of pre-sale knowledge in this action than in 23-cv-04319, where the plaintiff bought the subject vehicle on July 17, 2019. See Dkt. No. 34 ¶¶ 6, 16-22.

Defendant concurrently to this motion to dismiss filed a request for judicial notice requesting the Court take judicial notice that the United States Environmental Protection Agency estimated that 2020-2022 model-year Chevrolet Bolts have a total range of 259 miles. Dkt. No. 37. The Court -year is pre-2020, but nevertheless GRANTS this request for judicial notice because this data is not subject to reasonable dispute and is publicly available on the See Jarose v. Cnty. of Humboldt, No. C 18-07383

SBA, 2020 WL 999791, at *4 (N.D. Cal. Mar. 2, 2020).

IT IS SO ORDERED. Dated: December 22, 2023

_____ SUSAN ILLSTON United States District Judge