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8	Attorneys for Plaintiff and the Class				
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11	UNITED STATES DISTRICT COURT				
12	EASTERN DISTRICT OF CALIFORNIA				
13	S & J RENTALS, INC. d/b/a TWIN	Case No.: 2:16-cv-00879-MCE-KJN			
14	CITIES EQUIPMENT RENTALS, a California corporation, individually and	STIPULATION AND JOINT OBJECTION			
15	on behalf of all others similarly situated,	RE: INITIAL PRETRIAL SCHEDULING ORDER; ORDER THEREON			
16	Plaintiff,				
17	V.				
18	HILTI, INC., an Oklahoma corporation,	Assigned to Hon. Morrison C. England, Jr.			
19	Defendant.	Trial Date: None Set			
20					
21	Pursuant to this Court's Initial Pretrial	Scheduling Order (Dkt. No. 3) and Eastern District			
22	of California Local Rule 143, Plaintiff S & J	Rentals, Inc. ("Plaintiff") and Defendant Hilti, Inc.			
23	("Defendant"), by and through their respective counsel, hereby stipulate as follows:				
24	STIPULATION				
25	WHEREAS, Plaintiff filed its original Complaint on April 27, 2016 (Dkt. No. 1);				
26	WHEREAS, Plaintiff filed its First Amended Class Action Complaint on May 9, 2016				
27	(Dkt. No. 4);				
28	WHEREAS, service was completed on Defendant as of May 11, 2016;				
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	STIP. & JOINT OBJECTION RE: PRETRIAL SCH	STIP. & JOINT OBJECTION RE: PRETRIAL SCHEDULING CASE NO. 2:16-CV-00879-MCE-KJN			

1	WHEREAS, the parties entered into and filed a Stipulation Extending Time for Defendant				
2	Hilti, Inc. to Respond to Complaint on June 1, 2016 (Dkt. No. 6);				
3	WHEREAS, Defendant filed a Motion to Dismiss and Motion to Strike Jury Demand				
4	(Dkt. No. 8) and a Motion to Transfer (Dkt. No. 9) (together, "Motions") on June 21, 2016;				
5	WHEREAS, briefing on those Motions is not yet complete and the Motions have not yet				
6	been decided by the Court;				
7	WHEREAS, the Court's decision on Defendant's Motions will determine whether this				
8	case can proceed in this Court and which state's law applies to this case;				
9	WHEREAS, the parties have not yet met and conferred pursuant to Federal Rule of Civil				
10	Procedure ("Rule") 26(f) nor have they prepared and submitted a proposed discovery plan				
11	pursuant to Rule 26(f)(3);				
12	WHEREAS, as part of their meet and confer process, and because this case is pending as a				
13	putative class action, the parties will discuss the extent to which Rule 23 requirements may				
14	impact the case schedule, including as it relates to the deadline by which Plaintiff will file its				
15	motion for class certification;				
16	WHEREAS, good cause exists to refrain from entering a case schedule until jurisdictional				
17	and choice of law matters have been decided and until the parties have had an opportunity to meet				
18	and confer and submit a proposed case schedule that accounts for class certification issues; and				
19	WHEREAS, the Initial Pretrial Scheduling Order will become final without further order				
20	of the Court unless objections are filed within sixty (60) days of service on all defendants.				
21	NOW, THEREFORE, undersigned counsel for the parties, having met and conferred,				
22	stipulate and agree as follows:				
23	1. The deadlines set forth in the Court's Initial Pretrial Scheduling Order will not				
24	become final at this time;				
25	2. The Court will set a status conference pursuant to Rule 16 and Eastern District of				
26	California Local Rule 240 after the pending Motions have been decided; and				
27	///				
28	///				
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	STIP. & JOINT OBJECTION RE: PRETRIAL SCHEDULING CASE NO. 2:16-CV-00879-MCE-KJN				

STIP. & JOINT OBJECTION RE: PRETRIAL SCHEDULING CASE NO. 2:16-CV-00879-MCE-KJN

1	3. Any Rule $26(f)(3)$ discovery plan shall be submitted by the parties at least fourteen				
2	(14) days prior to the status conference.				
3	IT IS HEREB	IT IS HEREBY STIPULATED.			
4					
5	Dated: July 7,	', 2016. KER	SHAW, COOK & TALLEY PC		
6					
7 8		By: <u>/</u>	s/ <i>Stuart C. Talley</i> Stuart C. Talley		
0 9			am A. Kershaw		
10		401 V Sacra	Barlow Watt Avenue Imento, California 95864		
11		Telep	bhone: (916) 779-7000 mile: (916) 721-2501		
12		Attor	neys for Plaintiff and the Class		
13					
14	Dated: July 7,	', 2016. LEW	IS BRISBOIS BISGAARD & SMITH LLP		
15					
16		By: <u>/</u>	s/ John S. Poulos		
17			John S. Poulos		
18 19		2020	in A. Colman West El Camino Avenue, Suite 700 mento, California 95833		
20		Telep	bhone: (916) 564-5400 mile: (916) 564-5444		
21		Attor	neys for Defendant Hilti, Inc.		
22					
23		ORD	FR		
24					
25	Having	Having reviewed the parties' stipulation, and good cause appearing, the Court's Initial			
26	Pretrial Scheduling Order (ECF No. 3) is hereby vacated. The parties are directed to file a Joint				
27	Request for Status Conference not later than fourteen (14) days after the date on which the				
28	Court's rulings on Defendant's Motion to Dismiss (ECF No. 8) and Motion to Transfer (ECF No.				
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	STIP. & JOINT	STIP. & JOINT OBJECTION RE: PRETRIAL SCHEDULING CASE NO. 2:16-CV-00879-MCE-KJN			

1	have been electronically filed. That conference will establish a schedule for adjudicating the case				
2	depending on the status of the matter at that time.				
3					
4	IT IS SO ORDERED.				
5	Dated: July 12, 2016				
6	Man Marin				
7	MORRISON C. ENGLAND, JR				
8	UNITED STATES DISTRICT JUDGE				
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	-4- STIP. & JOINT OBJECTION RE: PRETRIAL SCHEDULING CASE NO. 2:16-CV-00879-MCE-KJN				