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12 Attorneys for *Plaintiff and the Class*

13 UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA

15 S & J RENTALS, INC. d/b/a TWIN  
 16 CITIES EQUIPMENT RENTALS, a  
 17 California corporation, individually and  
 18 on behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 HILTI, INC., an Oklahoma corporation,

22 Defendant.

Case No.: 2:16-cv-00879-MCE-KJN

**STIPULATION AND JOINT OBJECTION  
 RE: INITIAL PRETRIAL SCHEDULING  
 ORDER; ORDER THEREON**

Assigned to Hon. Morrison C. England, Jr.  
 Trial Date: None Set

23 Pursuant to this Court’s Initial Pretrial Scheduling Order (Dkt. No. 3) and Eastern District  
 24 of California Local Rule 143, Plaintiff S & J Rentals, Inc. (“Plaintiff”) and Defendant Hilti, Inc.  
 25 (“Defendant”), by and through their respective counsel, hereby stipulate as follows:

**STIPULATION**

26 WHEREAS, Plaintiff filed its original Complaint on April 27, 2016 (Dkt. No. 1);

27 WHEREAS, Plaintiff filed its First Amended Class Action Complaint on May 9, 2016  
 28 (Dkt. No. 4);

WHEREAS, service was completed on Defendant as of May 11, 2016;

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

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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 IT IS SO ORDERED.  
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5 Dated: July 12, 2016

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7 MORRISON C. ENGLAND, JR.  
8 UNITED STATES DISTRICT JUDGE  
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