

1 CMD LAW GROUP  
 Christoph M. Diecke (SBN 239177)  
 2 525 B Street, Suite 1500  
 San Diego, CA 92101  
 3 Telephone: (619) 800-3455  
 Facsimile: (619) 568-3810

4 THE FRANCO LAW GROUP, APLC  
 5 Sergio A. Perez (SBN 234860)  
 525 B Street, Suite 1500  
 6 San Diego, CA 92101  
 Telephone: (619) 955-2024  
 7 Facsimile: (213) 785-1248

8 Attorneys for Plaintiff,  
 STEFAN SCHEINERT

10 SEYFARTH SHAW LLP  
 Francis J. Ortman III (SBN 213202)  
 11 E-mail: fortman@seyfarth.com  
 Chantelle C. Egan (SBN 257938)  
 12 E-mail: cegan@seyfarth.com  
 560 Mission Street, 31st Floor  
 13 San Francisco, California 94105  
 Telephone: (415) 397-2823  
 14 Facsimile: (415) 397-8549

15 Attorneys for Defendants  
 TEKTRONIX TEXAS LLC; DANAHER  
 16 CORPORATION; NETSCOUT SYSTEMS, INC.; and  
 NEWFIELD WIRELESS, INC.

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA

20 STEFAN SCHEINERT, an individual,

21 Plaintiff,

22 v.

23 TEKTRONIX TEXAS LLC, a Delaware limited  
 liability company; DANAHER CORPORATION,  
 24 a Delaware corporation; NETSCOUT SYSTEMS,  
 INC., a Delaware corporation; NEWFIELD  
 25 WIRELESS, INC., a California corporation; and  
 DOES 1 through 50,

26 Defendants.  
 27

Case No. 3:16-cv-02683-RS

JOINT STIPULATION AND ~~[PROPOSED]~~  
 ORDER CONTINUING THE JULY 21, 2016  
 HEARING DATE FOR THE MOTIONS TO  
 DISMISS AND REMAND, AND  
 CONTINUING THE SEPTEMBER 15, 2016  
 CASE MANAGEMENT CONFERENCE

Trial Date: Not Set  
 Date Action Filed: April 4, 2016

1 Plaintiff Stefan Scheinert (“Plaintiff”) and Defendants Tektronix Texas LLC, Danaher  
2 Corporation, NetScout Systems, Inc. (“NetScout”), and Newfield Wireless, Inc. (collectively,  
3 “Defendants”) (collectively the “Parties”), by and through their respective counsel, hereby stipulate to  
4 the following:

5 WHEREAS on or about May 25, 2016, Defendant NetScout filed a Motion to Dismiss, setting  
6 the hearing on July 7, 2016 (Docket No. 12).

7 WHEREAS on or about June 13, 2016, Plaintiff filed a Motion to Remand, setting the hearing on  
8 July 21, 2016 (Docket No. 16).

9 WHEREAS the Court continued the Motion to Dismiss hearing to July 21, 2016 (Docket No.  
10 19), whereas both the pending Motion to Dismiss and the Motion to Remand (collectively, the  
11 “Motions”) would be heard at the same hearing on July 21, 2016.

12 WHEREAS Defendants’ counsel is unavailable to appear for hearing on July 21, 2016.

13 WHEREAS the Parties met and conferred concerning their availability for hearing, and counsel  
14 for the Parties are both available for hearing on the Motions on September 1, 2016 and September 15,  
15 2016.

16 WHEREAS the Court continued the Case Management Conference (CMC) previously set for  
17 August 18, 2016 at 10:00 a.m. to September 15, 2016 at 10:00 a.m. (Docket No. 20).

18 WHEREAS the Parties agree that the CMC should be continued pending the Court’s ruling on  
19 Plaintiff’s Motion to Remand and Defendant NetScout’s Motion to Dismiss.

20 THEREFORE, IT IS STIPULATED that the hearing for the Motions be continued to a date  
21 when the Parties’ counsel are all available, and thus the Parties stipulate to continue the hearing on the  
22 Motions from July 21, 2016 to either September 1, 2016 or September 15, 2016.

23 IT IS FURTHER STIPULATED that the Case Management Conference presently set for  
24 September 15, 2016 at 10:00 a.m. be continued to either October 13, 2016 or November 3, 2016,  
25 pending the Court’s ruling on Plaintiff’s Motion to Remand and Defendant NetScout’s Motion to  
26 Dismiss.

1 IT IS FURTHER STIPULATED that to the extent the Court is unavailable for hearing on either  
2 September 1, 2016, or September 15, 2016, or for the CMC on either October 13, 2016 or November 3,  
3 2016, the Parties will renew their meet and confer efforts to schedule the hearing for the Motions or the  
4 CMC for a date when the Parties' counsel can all attend and the Court also has availability.

5 **IT IS SO STIPULATED.**

6 DATED: July 1, 2016

Respectfully submitted,

7 CMD LAW GROUP  
8 THE FRANCO LAW GROUP, APLC

9  
10 By: /s/ Christoph M. Diecke

11 Christoph M. Diecke  
12 Sergio A. Perez  
13 Attorneys for Plaintiff  
14 STEFAN SCHEINERT

15 DATED: July 1, 2016

SEYFARTH SHAW LLP

16 By: /s/ Chantelle C. Egan

17 Francis J. Ortman III  
18 Chantelle C. Egan  
19 Attorneys for Defendants  
20 TEKTRONIX TEXAS LLC; DANAHER  
21 CORPORATION; NETSCOUT SYSTEMS, INC.;  
22 and NEWFIELD WIRELESS, INC.

23 ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

24 I, Chantelle C. Egan, attest that concurrence in the filing of this stipulation has been obtained  
25 from the signatory Christoph M. Diecke, Plaintiff's counsel.

26 Executed this 1st day of July, 2016, in San Francisco, California.

27 By: /s/ Chantelle C. Egan

28 Chantelle C. Egan

**~~PROPOSED~~ ORDER**

Based on the good cause presented, the Court GRANTS the above Stipulation. The hearing for Defendant NetScout System, Inc.'s Motion to Dismiss and Plaintiff Stefan Scheinert's Motion to Remand is continued from July 21, 2016 to September ~~1~~<sup>15</sup>, 2016 at 1:30 p.m. The Case Management Conference is continued from September 15, 2016 to [~~October 13, 2016~~ or November 3, 2016] at 10:00 a.m.

**IT IS SO ORDERED.**

Date: 7/5, 2016

  
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The Honorable Richard Seeborg