

The Reis Law Firm, APC
30021 Tomas Street, Suite 300
Rancho Santa Margarita, CA 92688
(714) 352-5200

1 SEAN P. REIS (SBN 184044)
2 **THE REIS LAW FIRM, APC**
3 30021 Tomas Street, Suite 300
4 Rancho Santa Margarita, CA 92688
5 sreis@reisfirm.com
6 Phone: (714) 352-5200
7 Fax: (714) 352-5201

8 ANTHONY CAPOBIANCO (SBN 162551)
9 **CAPOBIANCO LAW OFFICES, P.C.**
10 77935 Calle Tampico, Suite 101
11 La Quinta, CA 92253
12 acapobianco@capobiancolaw.com
13 Telephone: (760) 771-8345
14 Facsimile: (760) 771-8128

15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**

17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN JOSE DIVISION**

19 GEOFF WILLIAMSON and RON BALLARD,
20 individually, and on behalf of a class of similarly
21 situated individuals,

22 Plaintiffs,

23 v.

24 THE REINALT-THOMAS CORPORATION, a
25 Michigan corporation; DISCOUNT TIRE CO., an
26 Arizona corporation; and DOES 1 to 10 inclusive,

27 Defendants.

CASE NO.: 5:11-CV-03548-LHK

**JOINT STIPULATION TO
CONTINUE CERTAIN
PRETRIAL DATES IN LIGHT
OF PENDING MOTION TO
DISMISS FOR LACK
OF JURISDICTION;
~~PROPOSED~~ ORDER
THEREON
AS AMENDED**

The Reis Law Firm, APC
30021 Tomas Street, Suite 300
Rancho Santa Margarita, CA 92688
(714) 352-5200

1 Pursuant to Rules 6-1(a) and 16-2(e) of the Local Rules of the Northern District of
2 California, Plaintiffs Geoff Williamson and Ron Ballard (collectively, "**Plaintiffs**"), and
3 Defendants The Reinalt-Thomas Corporation and Discount Tire Co., Inc. (collectively,
4 "**Defendants**"), by and through their attorneys of record, hereby stipulate to continue the
5 following dates in this matter for the following reasons:

6 WHEREAS, Plaintiffs filed their complaint in this matter on July 19, 2011, and in
7 response Defendants filed a Motion to Dismiss for Lack of Personal Jurisdiction under Rule
8 12(b)(2), which motion is scheduled to be heard on February 2, 2012, and due to that pending
9 motion, Defendants are concerned that any actions taken to litigate in this Court may affect
10 their jurisdictional challenges or be perceived to waive those alleged defects;

1 WHEREAS, Plaintiffs' Opposition to Defendants' Motion is due on October 14, 2011;

2 WHEREAS, pursuant to Local Rule 16-8 and ADR Rule 3-5, the parties are required to
3 complete an ADR Certification or Stipulation Selecting an ADR Process and the Clerk
4 recently served a Notice of Non-Compliance with those ADR rules on October 3, 2011;

5 WHEREAS, the Court has set an Initial Case Management Conference for October 19,
6 2011, and the parties are required to meet and confer and then to file a Joint Case Management
7 Conference Statement by October 12, 2011; and

18 WHEREAS, the parties also are required to comply with Fed. R. Civ. Proc., Rule 26(f)
19 and to make certain initial disclosures in this matter (with the exception of certain
20 jurisdictional discovery which may be required in connection with Defendants' motion).

21 In light of Defendants' pending motion and their jurisdictional challenges, the parties
22 request the Court to continue all pretrial dates in this matter until after that motion has been
23 determined, as it is premature to devote time to these matters in light of Defendants'
24 jurisdictional challenges and may adversely impact those claims.

25 This Stipulation is not for purpose of delay. Rather, for convenience of the parties and
26 this court, and to promote efficiency, it makes sense to continue these pretrial dates until after
27 the court's hearing of Defendants' motion to dismiss. The court's determination of
28

30021 Tomas Street, Suite 300
Rancho Santa Margarita, CA 92688
(714) 352-5200

1 Defendants' motion to dismiss will affect the management of this case and may dispose of this
2 action in its entirety.

3
4 IT IS SO STIPULATED AND AGREED.

5
6 Date: October 4, 2011

CAPOBIANCO LAW OFFICES, P.C.

7
8 By: 

Anthony Capobianco
Attorneys for Plaintiffs

9
10
11 Date: October 4, 2011

BAKER BOTTS, LLP

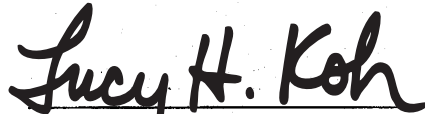
12
13 By: 

Van H. Beckwith
Bryant C. Boren
Attorneys for Defendants

14
15
16 The case management conference set for October 19, 2011 is RESET to February 2, 2012 following the
17 hearing on the Motion to Dismiss.

18
19 IT IS SO ORDERED

20
21
22 DATED: October 11, 2011



Honorable Lucy H. Koh
Judge of the U.S. District Court