

4. On or about April 4, 2011 Defendants responded to the MDL Motion and agreed that transfer and coordination or consolidation of the actions was appropriate, but proposed that the appropriate transferee court is the Southern District of California.

5. The JPML heard the MDL Motion on May 16, 2011, and the motion was taken under submission by the panel.

6. Extending Defendant's response date until such time as the JPML panel rules on the MDL Motion will promote judicial economy, eliminate the potential for conflicting pretrial rulings, and limit unnecessary party expenses and burdens.

7. Defendant has requested and Plaintiff has stipulated and agreed, subject to Court approval, that Defendant's time to answer or otherwise respond to the Complaint shall be extended until (i) 45 days after the filing of a Consolidated Amended Complaint or whatever other deadline is set by the transferee court, in the event the JPML grants the MDL Motion, or (ii) 45 days after service of the JPML's decision on the MDL Motion to consolidate or whatever deadline is set by this Court, in the event the JPML denies the MDL Motion to consolidate.

WHEREFORE, the parties, through their respective counsel of record, jointly move the Court to issue an order extending Defendants' time to respond to the Complaint until (i) 45 days after the filing of a Consolidated Amended Complaint or whatever other deadline is set by the transferee court, in the event the JPML grants the MDL Motion, or (ii) 45 days after service of the JPML's decision on the MDL Motion to consolidate or whatever deadline is set by this Court, in the event the JPML denies the MDL Motion to consolidate.

Dated: May 25, 2011

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