

1 Dana N. Gwaltney (SBN 209530)
Sara J. Romano (SBN 227467)
2 SHOOK, HARDY & BACON L.L.P.
3 333 Bush Street, Suite 600
San Francisco, California 94104-2828
Telephone: 415.544.1900
4 Facsimile: 415.391.0281

FILED

AUG 29 2006

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

5 Attorneys for Defendants
GUIDANT CORPORATION, GUIDANT SALES
6 CORPORATION, CARDIAC PACEMAKERS,
INC., and BOSTON SCIENTIFIC
7 CORPORATION

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 (FRESNO DIVISION)

11 SALLIE EVERETT, individually and as
successor in interest to decedent, ALBERT
12 EVERETT,

13 Plaintiffs,

14 vs.

15 GUIDANT CORPORATION; GUIDANT
SALES CORPORATION; CARDIAC
16 PACEMAKERS, INC.; BOSTON SCIENTIFIC
CORPORATION; MEMORIAL HOSPITALS
17 ASSOCIATION; and Does 1 through 100,
inclusive,

18 Defendants.
19

Case No. 1:06-CV-01116-AWI-LJO

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE PRETRIAL
DEADLINES**

20 IT IS HEREBY STIPULATED by and between the parties through their designated
21 counsel that the deadlines for defendants Guidant Corporation, Guidant Sales Corporation,
22 Cardiac Pacemakers, Inc., and Boston Scientific Corporation (collectively "Guidant") to answer
23 or otherwise respond to the Complaint, and for the parties to participate in pretrial proceedings
24 will be continued.

25 Guidant contends a continuation of pretrial deadlines is appropriate because this action
26 should be transferred to the District of Minnesota and consolidated with *In Re Guidant Corp.*
27 *Implantable Defibrillators Products Liability Litigation*, MDL-1708, for pretrial proceedings.

Sallie Everett, Guidant Corporation et al

Doc. 10

1 Plaintiff agrees that a continuation of pretrial deadlines is appropriate as plaintiff intends
2 to file a motion to remand this removed action to state court.

3 The parties agree that this case will not remain in this Court.

4 IT IS SO STIPULATED that all pretrial deadlines are continued.

5
6 DATED: August __, 2006

Respectfully submitted

7
8 SHOOK, HARDY & BACON L.L.P.

9 By: _____
10 DANA N. GWALTNEY
SARA J. ROMANO

11 Attorneys for Defendants
12 GUIDANT CORPORATION, GUIDANT SALES
13 CORPORATION, CARDIAC PACEMAKERS,
INC. and BOSTON SCIENTIFIC CORPORATION

14 DATED: August __, 2006

Respectfully submitted

15
16 GILLIN, JACOBSON, ELLIS & LARSEN

17 By: _____
18 LUKE ELLIS
KRISTIN LUCEY

19 Attorneys for Plaintiff SALLIE EVERETT,
20 individually and as successor in interest to decedent,
21 ALBERT EVERETT

22
23 **ORDER**

24 Pursuant to stipulation, IT IS SO ORDERED.

25 Dated: Aug 29, 2006

26 
27 _____
THE HONORABLE ANTHONY W. ISHII
THE HONORABLE LAURENCE J. O'NEILL