

1 BRIAN S. KABATECK, SBN 152054  
(bsk@kbklawyers.com)  
2 RICHARD L. KELLNER, SBN 171416  
(rlk@kbklawyers.com)  
3 LINA MELIDONIAN, SBN 245283  
(lm@kbklawyers.com)  
4 KABATECK BROWN KELLNER LLP  
644 South Figueroa Street  
5 Los Angeles, California 90017  
Telephone: (213) 217-5000  
6 Facsimile: (213) 217-5010

7 SHAWN KHORRAMI, SBN 180411  
(skhorrami@khorrami.com)  
8 JAMES KENNA, SBN 209961  
(jkenna@khorrami.com)  
9 BAHAR DEJBAN, SBN 240135  
(bdejban@khorrami.com)  
10 KHORRAMI POLLARD & ABIR LLP  
444 South Flower Street, 33rd Floor  
11 Los Angeles, CA 90071  
Tel: (213) 596-6000  
12 Fax: (213) 596-6010

13 Attorneys for Plaintiff Barbara Indio.

14 **THE UNITED STATES DISTRICT COURT FOR THE**  
15 **EASTERN DISTRICT OF CALIFORNIA**

16 Barbara Indio, an individual.

17 Plaintiff,

18 vs.

19 WYETH, INC. (f/k/a AMERICAN  
20 HOME PRODUCTS; WYETH  
21 PHARMACEUTICALS (f/k/a  
22 WYETH-AYERST  
23 PHARMACEUTICALS); WYETH  
24 LLC; PHARMACIA & UPJOHN  
25 COMPANY, LLC; PHARMACIA &  
26 UPJOHN LLC; PHARMACIA  
27 CORPORATION; PFIZER, Inc. and  
(hereinafter Defendants)

28 Defendants.

Case No. 1:10-CV-00295-OWW-DLB

**STIPULATION AND ORDER TO  
EXTEND DEADLINES**

Courtroom: 3  
Judge Oliver W. Wanger

1 Through this Stipulation, and for the reasons set forth below, Plaintiff  
2 Barbara Indio ("Plaintiff") and defendants Wyeth Inc. et. al. ("Defendants")  
3 (together referred to as the "Parties") stipulate to the extension of their expert  
4 disclosure deadlines, pursuant to Federal Rule of Civil Procedure 26(a)(2)(B), and  
5 all other pretrial deadlines set by this Court by twenty-one (21) days. The parties  
6 also stipulate to adjourn the trial date of September 7, 2011 to September 20, 2011:

7 WHEREAS, pursuant to the November 12, 2010 Order to Extend Deadlines,  
8 this matter is currently set on the Court's September 7, 2011 trial calendar, with  
9 the following upcoming deadlines:

10 Plaintiff's Expert Disclosure Deadline	January 10, 2011
11 Defendant's Expert Disclosure Deadline	February 10, 2011
12 Plaintiff's Deadline for Rebuttal Expert Reports	March 10, 2011
13 Defendant's Deadline for Rebuttal Expert Reports	April 11, 2011
14 Expert Discovery Cut Off	May 11, 2011
15 Deadline to File Dispositive Motions	June 10, 2011
16 Pretrial Conference	June 20, 2011

17 WHEREAS, Plaintiff's counsel ordered Plaintiff's mammograms from Mercy  
18 Medical Hospital in December 2010 prior to the holidays, to avoid the delay that  
19 may have been caused by the holidays;

20 WHEREAS, the individual responsible for processing the order at Mercy  
21 Medical Hospital, confused the order with that of Defendants;

22 WHEREAS, Mercy Medical informed Plaintiff's counsel that the  
23 mammograms were mailed via in regular mail on Friday January 7, 2011;

24 WHEREAS, to date, Plaintiff's counsel has not received the mammograms;

25 WHEREAS, the mammograms are still needed for Plaintiff's experts to be  
26 able to fully and properly comply with the requirements as set forth under Fed.  
27 R.Civ. P. 26;  
28

1 For the foregoing reasons, the Parties respectfully request that the Court enter  
2 an Order extending all pretrial deadlines by twenty-one (21) days and the trial date  
3 of September 7, 2011 to September 20, 2011. The new deadlines would read as  
4 follows:

5 Plaintiff's Expert Disclosure Deadline	January 31, 2011
6 Defendant's Expert Disclosure Deadline	March 3, 2011
7 Plaintiff's Deadline for Rebuttal Expert Reports	March 31, 2011
8 Defendant's Deadline for Rebuttal Expert Reports	May 2, 2011
9 Expert Discovery Cut Off	June 1, 2011
10 Deadline to File Dispositive Motions	July 1, 2011
11 Pretrial Conference	August 8, 2011

13 Dated: January 12, 2011

By: /s/ Richard L. Kellner, Esq.

14 Richard L. Kellner, Esq.  
15 KABATEK BROWN KELLNER LLP  
16 644 South Figueroa Street  
17 Los Angeles, CA 90017  
18 Telephone: (213) 217-5000  
19 Facsimile: (213) 217-5010

*Attorneys for Plaintiff Barbara Indio*

22 Dated: January 12, 2011

By: /s/ Shawn Khorrami, Esq.

21 Shawn Khorrami, Esq.  
22 444 South Flower Street, 33<sup>rd</sup> Floor  
23 Los Angeles, CA 90071  
24 Telephone: (213) 596 – 6000  
25 Facsimile: (213) 596 – 6010

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: January 12, 2011

By: /s/ Wendy Dowse, Esq.  
Wendy Dowse Esq.  
KAYE SCHOLER LLP

*Attorneys for Pfizer Inc., Pharmacia &  
Upjohn Company LLC and Wyeth LLC*

IT IS SO ORDERED.

Dated: January 12, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE