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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.

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20 Wyeth, Inc. (f/k/a American Home
21 Products; Wyeth Pharmaceuticals
22 (f/k/a Wyeth-Ayerst
23 Pharmaceuticals); Wyeth LLC;
24 Pharmacia & Upjohn Company, LLC;
25 Pharmacia & Upjohn LLC;
26 Pharmacia Corporation; Pfizer, Inc.
and Does 1 through 100, inclusive,
(Hereinafter Defendants)

27 Defendants.
28

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, Barbara Indio
2 ("Plaintiff") requested and Wyeth Inc. et. al. ("Defendants") agreed to stipulate to
3 the extension of all remaining pre-trial deadlines and also stipulate to adjourn the
4 trial date of September 20, 2011 to January 17, 2012:

5 WHEREAS, pursuant to the January 12, 2011 Order to Extend Deadlines,
6 this matter is currently set on the Court's September 20, 2011 trial calendar, with
7 the following upcoming deadlines:

8 Expert Discovery Deadline	June 1, 2011
9 Mediation & Settlement Conference Deadline	June 20, 2011
10 Non-Dispositive Motions Deadline	June 17, 2011
11 Dispositive Motions Deadline	July 1, 2011
12 Final Pretrial Conference Date	August 8, 2011
13 Trial Date	September 20, 2011

14 WHEREAS, Plaintiff's counsel is currently set in 8 Hormone Replacement
15 Therapy ("HRT") trials in 3 states over the next year. Each HRT trial, like this
16 matter, requires substantial logistical planning, extensive coordination of witnesses
17 and resources, and 4-6 weeks of trial time.

18 WHEREAS, Plaintiff's counsel has other civil trials set to begin in the years
19 2011 and 2012, in addition to cases regarding HRT;

20 WHEREAS, none of the 8 trials were initially scheduled with consideration
21 of and in coordination with Plaintiff counsel's other trial dates and locations;

22 WHEREAS, the current overlapping and uncoordinated fact and expert
23 discovery deadlines across the 8 HRT cases are too burdensome to adequately and
24 properly handle by Plaintiff's counsel because there are as many as 8 expert and
25 15 fact witness depositions per case in multiple states;
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1 WHEREAS, the process to obtain original breast imaging and pathology
2 tissue from multiple hospitals is cumbersome and slow because the treating
3 hospitals are very reluctant to release these materials for outside expert review and
4 testing and this stalls the expert discovery process;

5 WHEREAS, while the Parties have diligently worked together, Plaintiff's
6 counsel cannot effectively handle 8 simultaneous cases without changes to the
7 pretrial and trial deadlines in various HRT cases;

8 WHEREAS, the Parties have conferred for two weeks to coordinate and
9 revise the scheduling plan across multiple trials set for the years 2011 and 2012
10 and believe that the proposed dates in the motion address the Parties' concerns,
11 while keeping the cases moving expeditiously towards trial.

12 For the foregoing reasons, the Parties respectfully request that the Court enter
13 an Order extending all pretrial deadlines as indicated below, and adjourn the trial
14 date of September 20, 2011 to January 18, 2012:

15 The new deadlines would read as follows:

16 Expert Discovery Deadline	July 29, 2011
17 Mediation & Settlement Conference Deadline	August 15, 2011
18 Non-Dispositive Motions Deadline	September 5, 2011
19 Non-Dispositive Motion Hearing	October 17, 2011
20 Dispositive Motions Deadline	October 3, 2011
21 Dispositive Motion Hearing	November 14, 2011
22 Final Pretrial Conference Date	December 5, 2011
23 Trial Date	January 18, 2012

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1 Dated: June 6, 2011

By: /s/ Richard L. Kellner, Esq.
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9 Dated: June 6, 2011

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14 Dated: June 6, 2011

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

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

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24 IT IS SO ORDERED.

25 Dated: June 8, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE