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7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT

<p>11 PAMELA COLEMAN, an individual, 12 Plaintiff, 13 vs. 14 BOSTON SCIENTIFIC CORPORATION, a Massachusetts 15 corporation, and DOE MANUFACTURERS one through one 16 hundred, 17 Defendants.</p>	<p>) Case No. 1:10-CV-01968-OWW-SKO)) Mag. Judge: Hon. Sheila K. Oberto) Dept.: 3)) STIPULATION AND JOINT) REQUEST TO CONTINUE) SCHEDULING CONFERENCE) AND ORDER)) Complaint filed: 10/20/2010) Trial Date: None set</p>
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 22 TO THE COURT AND ALL ATTORNEYS OF RECORD:

23 Plaintiff Pamela Coleman and Defendant Boston Scientific Corporation
 24 (“BSC”), by and through their counsel of record, stipulate to and jointly request a
 25 continuance of the scheduling conference based on the following:

- 26 1. Plaintiff filed the complaint in this action on October 20, 2010 and BSC
 27 was served with the complaint on or about December 29, 2010.
- 28 2. The Court set a scheduling conference for April 6, 2011. (Doc. No. 6.)

STIPULATION AND JOINT REQUEST TO CONTINUE
 SCHEDULING CONFERENCE AND [PROPOSED] ORDER

1 3. BSC filed a motion to dismiss the complaint on February 16, 2011.
2 (Doc. No. 9.) Pursuant to stipulation of the parties, the Court continued the
3 scheduling conference from April 6, 2011 to April 20, 2011 in light of BSC's pending
4 motion to dismiss. (Doc. No. 16.)

5 4. On April 11, 2011, the Court granted BSC's motion to dismiss with leave
6 to amend. (*See* Doc. No. 29.)

7 5. On April 12, 2011, the Court issued a minute order setting a scheduling
8 conference for July 22, 2011. (Doc. No. 26.)

9 6. Plaintiff filed a first amended complaint on June 17, 2011. (Doc. No.
10 31.) On July 7, 2011 BSC filed a motion to dismiss the first amended complaint and
11 the motion was set to be heard on August 15, 2011. (Doc. No. 34.)

12 7. On July 11, 2011, the parties stipulated to continue the scheduling
13 conference to August 26, 2011 to allow BSC's motion to dismiss to be heard prior to
14 the scheduling conference and the submission of the joint scheduling conference
15 statement. The Court issued an order granting the stipulation and setting the
16 scheduling Conference for August 26, 2011. (*See* Doc. Nos. 37, 38.)

17 8. On August 2, 2011, the Court issued a minute order continuing the
18 hearing on BSC's motion to dismiss from August 15, 2011 to August 22, 2011. On
19 August 16, 2011, pursuant to stipulation of the parties, the court continued the
20 scheduling conference from August 26, 2011 to October 20, 2011 in light of the new
21 hearing date for BSC's motion to dismiss. (Doc. No. 46.)

22 9. On August 22, 2011, the Court granted BSC's motion to dismiss the first
23 amended complaint with leave to amend. (Doc. No. 51.)

24 10. On September 21, 2011 the October 20 scheduling conference date was
25 vacated due to the impending retirement of the Honorable Oliver W. Wanger. (*See*
26 Doc. No. 52.)

1 11. On September 26, 2011, Plaintiff filed her second amended complaint.
2 (Doc. No. 53.)

3 12. On October 24, 2011, the Court reset the scheduling conference to
4 November 22, 2011 before Magistrate Judge Sheila K. Oberto. The parties' joint
5 scheduling report is due by November 15, 2011. (Doc. No. 56.)

6 13. On October 26, 2011, BSC filed a motion to dismiss the second amended
7 complaint. (Doc. No. 58.) The motion is set for hearing on December 1, 2011.

8 14. All parties have agreed and respectfully request that the scheduling
9 conference be continued to December 20, 2011, or to a date preferred by this Court, in
10 order for Defendants' Motion to Dismiss and Plaintiffs' Opposition thereto to be
11 considered. The parties also request that their joint scheduling report be due
12 December 13, 2011.

13 15. There is good cause to continue the scheduling conference and the
14 submission of the joint scheduling conference statement until after the Court issues a
15 ruling on BSC's motion to dismiss.

1 IT IS HEREBY STIPULATED, subject to the approval of the Court, that the
2 scheduling conference currently set for November 22, 2011, be continued to
3 December 20, 2011, or a date more convenient for the Court, and the parties' joint
4 scheduling conference statement be due on December 13, 2011.
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6 Dated: October 31, 2011

Respectfully Submitted,
SHOOK, HARDY & BACON L.L.P.

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10 By: /s/ Natasha L. Mosley
Natasha L. Mosley
11 Attorneys for Defendant
Boston Scientific Corporation
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13 Dated: October 31, 2011

GIARDI KEESE

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15 By: /s/Amanda Kent
(authorized on October 31, 2011)
16 Thomas V. Girardi
17 Amy F. Solomon
18 Michael Kowsari
Amanda Kent
Attorneys for Plaintiff
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20 ORDER

21 The scheduling conference presently scheduled for November 22, 2011, is
22 hereby continued to December 20, 2011, at 9:30 a.m. before Magistrate Judge Sheila
23 K. Oberto in Courtroom 7.
24

25 IT IS SO ORDERED.

26 Dated: November 2, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE
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