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21 UNITED STATES DISTRICT COURT
22 EASTERN DISTRICT OF CALIFORNIA
23
24 FRESNO DIVISION
25
26
27
28

1)
2 MARIANNE PHILLIPS and WILLIAM)
3 PHILLIPS,)

) Case No.: 1:10-cv-02395-JRG-DLB

4 Plaintiffs,)

5 vs.)

6 WYETH LLC, et al.)

7 Defendants.)
8

9 GLORINETTE MCPHERSON,)

) Case No.: 1:10-cv-02384-JRG-DLB

10 Plaintiff,)

11 vs.)

12 WYETH LLC, et al.)

13 Defendants.)
14

15 BETTY CRAVEN and GEORGE CRAVEN,)

) Case No.: 1:10-cv-02382-JRG-DLB

16 Plaintiffs,)

17 vs.)

18 WYETH LLC, et al.)

19 Defendants.)
20

21 SHIRLEY BOWLES and GERALD BOWLES,)

) Case No.: 1:04-cv-06346-JRG-DLB

22 Plaintiffs,)

23 vs.)

24 WYETH LLC, et al.)

25 Defendants.)
26

1 DONNA HAMES and MICHAEL HAMES)

Case No.: 1:10-cv-02392-JRG-DLB

2)
3 Plaintiffs,)

4 vs.)

5 WYETH LLC, et al.)

6)
7 Defendants.)

8 VICTORIA POOLE and DELBERT POOLE)

Case No.: 1:10-cv-02397-JRG-DLB

9)
10 Plaintiffs,)

11 vs.)

12 WYETH LLC, et al.)

13)
14 Defendants.)

15
16 **ORDER RE MOTIONS TO MODIFY COURT’S SCHEDULING ORDERS**

17 On January 10, 2012, counsel filed in each of the above styled actions “Notice of
18 Motion to Modify Scheduling Order, Declaration of Miriam Bourdette and (Proposed)
19 Order.” The court construes the notices as motions to modify scheduling orders.
20

21 On December 12, 2011, I issued an order that all counsel meet and confer regarding a
22 Joint Scheduling Order for the remand group 2 cases. If counsel reached an agreement they
23 were to submit the proposed scheduling order to the court no later than January 16, 2012.
24

25 Counsel noted in the present motion that January 16, 2012, is Martin Luther King Day and
26 the courts are closed. This fact has no bearing on the directive to the parties to file a joint
27 scheduling order by that date. Filings can always be made via CM/ECF on a court holiday.
28

Counsel further asserted they could not file the Joint Scheduling Order before that date

1 because the court would not have had time to consider this motion and rule on it. The first
2 modification the parties seek, therefore, is to have an extension of time to prepare and file
3 the Joint Scheduling Order so that the court could consider the other problems and
4 suggestions. I hereby **GRANT** the motion on those grounds and **ORDER** the last day to
5 file the proposed Joint Scheduling Order be continued to **January 23, 2012**.
6

7 Plaintiffs' counsel stated in the motion that they do not have the resources to try more
8 than one case at a time, and prepare for the next, even with two firms engaged. They
9 asserted that both firms are small firms and cannot hire or retain the many experienced trial
10 lawyers that would be needed. Given that assertion, plaintiff's counsel requested that the
11 trial dates for remand group 2 cases start after conclusion of the trial dates for remand group
12 1 and do not overlap.
13

14 Exhibit A, attached to the motion, included a table with proposed trial dates for all
15 remanded cases. The trials still are limited to the 10 (ten) days the court ordered for each
16 plaintiff and when possible start the day after the preceding trial, even when in the middle
17 of the week. As to remand group 2 cases, the proposed schedule also took into account
18 previously scheduled trials in the Northern District of California, San Jose Division before
19 Judge Davila, as well as holidays occurring from October 2012 through April 2013. These
20 include Veterans Day, Thanksgiving, Christmas, New Years, Martin Luther King Day and
21 President's Day, on which the Courts are closed and Passover, which is on March 25–26,
22 2013.
23

24
25 Taking into account the holidays mentioned and previously scheduled trials before
26 Judge Davila, trial dates for the above styled cases will proceed as follows:
27
28

- 1 • Waddell v. Wyeth, case number 1-04-cv-06343-JRG, trial dates October 22,
2 2012 – November 2, 2012;
- 3 • Uhalt v. Wyeth, case number 1-10-cv-02404-JRG, trial dates January 2, 2013-
4 January 15, 2013;
- 5 • Setser v. Wyeth, case number 1-10-cv-02405JRG, trial dates January 16, 2013-
6 January 30, 2013;
- 7 • Hill v. Wyeth, case number 1-10-cv-02394-JRG, trial dates January 31, 2013-
8 February 13, 2013;
- 9 • Phillips v. Wyeth, case number 1-10-cv-02395-JRG, trial dates February 14,
10 2013 – February 28, 2013.
- 11 • McPherson v. Wyeth, case number 1-10-cv-02384-JRG, trial dates March 1,
12 2013 – March 14, 2013.
- 13 • Craven v. Wyeth, case number 1-10-cv-02382-JRG, trial dates March 15, 2013 –
14 April 1, 2013.
- 15 • Bowles v. Wyeth, case number 1-04-cv-06346-JRG, trial dates April 2, 2013 –
16 April 15, 2013.
- 17 • Hames v. Wyeth, case number 1-10-cv-02392-JRG, trial dates April 16, 2013 –
18 April 29, 2013.
- 19 • Poole v. Wyeth, case number 1-10-cv-02397-JRG, trial dates April 30, 2013 –
20 May 13, 2013.
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27 The trials will be no longer than 10 (ten) working days. After seven years of
28 discovery and extensive experience trying these cases there should be no “unforeseen

1 interference” for which the parties cannot adjust. If a case does not require the entire
2 time allotted for trial after the evidence is complete, the next trial will start even if there
3 is a deliberating jury in the preceding case. If a case settles prior to trial, the next
4 scheduled case will immediately move up and commence on the trial dates established
5 for the settling case. If any of the cases before Judge Davila in the Northern District of
6 California, San Jose Division settle or the trial dates are condensed in any manner the
7 next trial on the this schedule will be moved up accordingly.
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11 **IT IS SO ORDERED:**
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14 Dated: January 12, 2012
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18 Joseph R. Goodwin, Chief Judge
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