

1 Michael K. Brown (SBN 104252)
mkbrown@reedsmith.com
2 Mildred Segura (SBN 210850)
msegura@reedsmith.com
3 REED SMITH LLP
355 South Grand Avenue, Suite 2900
4 Los Angeles, CA 90071
Telephone: 213.457.8000
5 Facsimile: 213.457.8080

6 Courtland C. Chillingworth (SBN 261140)
cchillingworth@reedsmith.com
7 REED SMITH LLP
101 Second Street, Suite 1800
8 San Francisco, CA 94105
Telephone: 415.543.8700
9 Facsimile: 415.391.8269

10 Attorneys for Defendants
Medtronic, Inc. and
11 Medtronic Sofamor Danek USA, Inc.

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 GARY HAWKINS,

15 Plaintiff,

16 vs.

17 MEDTRONIC, INC.; MEDTRONIC SOFAMOR
18 DANEK USA, INC.,

19 Defendants.

No.: 1:13-cv-00499 AWI SKO

**STIPULATION AND ORDER TO
CONTINUE SCHEDULING
CONFERENCE**

20 Compl. Filed: April 4, 2013

Honorable Sheila K. Oberto

STIPULATION

1
2 Plaintiff Gary Hawkins (“Plaintiff”) and Defendants Medtronic, Inc., and Medtronic Sofamor
3 Danek USA, Inc. (collectively “Defendants”), by and through their respective attorneys or record,
4 stipulate and agree as follows:

5 **WHEREAS**, Plaintiff filed his Complaint in this Court against Defendants on April 3, 2013
6 (Doc. No. 1);

7 **WHEREAS**, Defendants filed their Motion to Dismiss Plaintiff’s Complaint on May 14,
8 2013, and the hearing on Defendants’ Motion to Dismiss was scheduled for July 22, 2013 (Doc. No.
9 11);

10 **WHEREAS**, on July 17, 2013, the Court issued an Order vacating the July 22, 2013 hearing
11 date for Defendants’ Motion to Dismiss and taking the matter under submission (Doc. 18);

12 **WHEREAS**, on September 12, 2013, the Court scheduled the Scheduling Conference in this
13 matter for November 12, 2013 (Doc. No. 29);

14 **WHEREAS**, as of the time of this filing, the Court has not yet ruled on Defendants’ Motion
15 to Dismiss;

16 **WHEREAS**, Defendants’ counsel must attend an out-of-town hearing in another matter on
17 November 12, 2013;

18 **WHEREAS**, the parties agree that in the interest of judicial efficiency, the Scheduling
19 Conference should be continued to a date after the Court has ruled on Defendants’ Motion to
20 Dismiss.

21 **IT IS HEREBY STIPULATED THAT:**

22 The Scheduling Conference in this matter shall be continued to December 12, 2013, or such
23 later date as the Court may determine.

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Dated: 11-1-13


WALKUP, MELODIA, KELLY &
SCHOENBERGER

By 
Khalidoun A. Baghdadi
Sara M. Peters

Attorneys for Plaintiff
Gary Hawkins

Dated: November 1, 2013

REED SMITH LLP

By 
Michael K. Brown
Mildred Segura
Courtland C. Chillingworth

Attorneys for Defendants
Medtronic, Inc. and
Medtronic Sofamor Danek USA, Inc

ORDER

Pursuant to the parties' Stipulation, the Scheduling Conference in this matter shall be continued to December 12, 2013, at 9:45 a.m.

IT IS SO ORDERED.

Dated: November 1, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE