

1 Dana N. Gwaltney, SBN 209530
 Sara J. Romano, SBN 227467
 2 SHOOK, HARDY & BACON L.L.P.
 333 Bush Street, Suite 600
 3 San Francisco, California 94104
 Telephone: (415) 544-1900
 4 Facsimile: (415) 391-0281

5 Attorneys for Defendants
 GUIDANT CORPORATION, GUIDANT SALES
 6 CORPORATION, CARDIAC PACEMAKERS, INC.,
 and BOSTON SCIENTIFIC CORPORATION
 7

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
 10 (SACRAMENTO DIVISION)

11	CLIFFORD HOSLER and DALE PATTON,)	Case No. 2:06-cv-01972 FCD KJM
12)	
	Plaintiffs,)	
13)	STIPULATION AND ORDER TO CONTINUE
	vs.)	PRETRIAL DEADLINES
14)	
	GUIDANT CORPORATION; GUIDANT)	
15	SALES CORPORATION; CARDIAC)	
	PACEMAKERS, INC.; BOSTON SCIENTIFIC)	
16	CORPORATION; SUTTER SOLANO)	
	MEDICAL CENTER; NORTHBAY)	
17	HEALTHCARE CORPORATION; and Does 1)	
	through 100, inclusive,)	
18)	
	Defendants.)	
19)	
20)	

21
 22 IT IS HEREBY STIPULATED by and between the parties through their designated counsel
 23 that the deadline for Defendants to answer or otherwise respond to Plaintiffs' Complaint in this
 24 action should be extended. It is further stipulated that the deadline for the parties to submit a joint
 25 status report pursuant to Federal Rule of Civil Procedure 26(f) should be extended. Defendants seek
 26 to transfer this case to the Multi-District Litigation proceeding established in the United States
 27 District Court, District of Minnesota ("MDL court"), and Plaintiffs have indicated that they will soon
 28

1 be filing a motion to remand this case to state court. Accordingly, the following deadlines will be
2 modified as follows:

3 The deadline for Defendants to file an answer or otherwise respond to Plaintiffs' complaint
4 shall be as follows:

5 (a) if the case is not remanded to state court, and is transferred to the MDL court, any
6 response will be due pursuant to a deadline set by the MDL court;

7 (b) if the case is not remanded and also is not transferred to the MDL court, any response
8 will be due thirty (30) days after the decision by the JPML denying transfer to the MDL court; or

9 (c) if the case is remanded, any response will be due thirty (30) days after the remand
10 decision by this Court.

11 The deadline for the parties to prepare and submit a joint status report shall be as follows:

12 (a) if the case is not remanded to state court, and is transferred to the MDL court, any
13 joint status report will be due pursuant to a deadline set by the MDL court; or

14 (b) if the case is not remanded and also is not transferred to the MDL court, the joint
15 status report will be due thirty (30) days after this Court denies remand.

16 All other deadlines will be set pursuant to Federal and local rule.

17 IT IS SO STIPULATED.

18
19 DATED: September 6, 2006

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

21
22 By: /s/ Dana N. Gwaltney
DANA N. GWALTNEY
SARA J. ROMANO

23
24 Attorneys for Defendants
GUIDANT CORPORATION, GUIDANT SALES
25 CORPORATION, CARDIAC PACEMAKERS, INC.
26 and BOSTON SCIENTIFIC CORPORATION
27
28

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: September 6, 2006

Respectfully submitted,

GILLIN, JACOBSON, ELLIS & LARSEN

By: /s/ Kristin Lucey
LUKE ELLIS
KRISTIN LUCEY

Attorneys for Plaintiffs
CLIFFORD HOSLER and DALE PATTON

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: September 8, 2006

/s/ Frank C. Damrell Jr.
THE HONORABLE FRANK C. DAMRELL, JR.