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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TERRI LYNN TODD,	)	Case No. 2:09-CV-1509-JAM-GGH
	)	
Plaintiff,	)	<u>ORDER GRANTING PLAINTIFF'S</u>
	)	<u>REQUEST TO DEFER RULING ON</u>
v.	)	<u>DEFENDANTS' MOTION FOR SUMMARY</u>
	)	<u>JUDGMENT</u>
STRYKER CORPORATION, a Michigan	)	
corporation, and STRYKER SALES	)	
CORPORATION, a Michigan	)	
corporation,	)	
	)	
Defendants.	)	

This matter is before the Court on Defendants' Stryker Corporation and Stryker Sales Corporation (collectively "Defendants") motion for summary judgment (Doc. #45). Plaintiff Terri Lynn Todd ("Plaintiff") opposes the motion (Doc. #51). The Court heard oral argument on March 9, 2011. For the reasons discussed at oral argument, the Court GRANTS Plaintiff's request that if the Court plans to grant Defendants' motion, it defer entry of a final judgment pending resolution of the appeal currently before the Ninth Circuit of this Court's decision in Phillippi v. Stryker Corp., et al, 2010 WL 2650596 (E.D. Cal. July 1, 2010). The Court finds that the facts in the Phillippi case are similar in

1 all material respects to the case currently before the Court and a  
2 deferral pending resolution of the Phillippi appeal is in the  
3 interest of judicial economy.

4  
5 ORDER

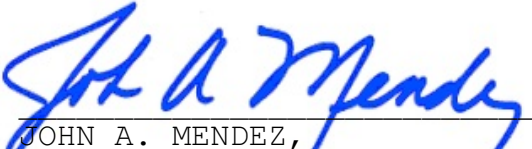
6 Defendants' motion for summary judgment will remain under  
7 submission and any final judgment will be deferred, pending the  
8 Ninth Circuit's order resolving the appeal of the Phillippi case.

9 The parties are ordered to file a status report within seven  
10 (7) days of the date of the Ninth Circuit's final order in  
11 Phillippi.

12 The dates set for the pretrial conference and jury trial set  
13 forth in the Pre-Trial Scheduling Order (Doc. #30) are VACATED.

14 IT IS SO ORDERED.

15 Dated: March 10, 2011

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18 JOHN A. MENDEZ,  
19 UNITED STATES DISTRICT JUDGE  
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