1	Alicia J. Donahue (SBN 117412)		
2	Anicia J. Dollande (SBN 117412) adonahue@shb.com Amir Nassihi (SBN 235936)		
	anassihi@shb.com		
3	SHOOK, HARDY & BACON, LLP One Montgomery, Suite 2700		
4	San Francisco, CA 94104 Tel: (415) 544-1900		
5	Fax: (415) 391-0281		
6	Attorneys for Defendants STRYKER CORPORATION and		
7	HOWMEDICA OSTEONICS CORP		
8	(erroneously sued herein as Stryker Orthopaedics)		
9	William F. Wright (SBN 109470) wfwattny@aol.com		
10	VICTOR X. BERTOLANI (SBN 146376) ATTORNEYS AT LAW		
11	1731 "J" Street, Suite 250		
12	Sacramento, California 95811 Tel: (916) 442-8614		
13	Fax: (916) 442-5679		
14	Attorneys for Plaintiff TRAVIS J. CURRIER		
15			
16	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION		
17			
18			
19	TRAVIS J. CURRIER, an individual,	Case No. 2:11-cv-01203-JAM-EFB	
20	Plaintiff,	STIPULATED REQUEST FOR LEAVE TO AMEND SECOND AMENDED	
21	V.	COMPLAINT AND CONTINUE PRE- TRIAL SCHEDULING ORDER	
22	STRYKER CORPORATION; STRYKER SALES CORPORATION; HOWMEDICA	DEADLINES (AS MODIFIED BY THE COURT)	
23	OSTEONICS CORP, dba STRYKER ORTHOPAEDICS; and Does 1-20,	(MONIODITIED DI TITE COCKI)	
24	Defendants.		
25			
26	THE PARTIES RESPECTFULLY SUBMIT THE FOLLOWING STIPULATED		
27	REQUEST, through their respective attorneys of record, as follows:		
28			
	1 STIPULATED REQUEST FOR LEAVE TO AMEND SECOND AMENDED COMPLAINT AND CONTINUE PRE- TRIAL SCHEDULING ORDER DEADLINES		

TRIAL SCHEDULING ORDER DEADLINES

PDF created with patractory trial version www.pdffactory.com

- 1. On August 1, 2011, this Court issued its Pre-trial Scheduling Order addressing amendments to the pleadings and setting a schedule for this case, including expert disclosures on July 13, 2012, and trial on January 28, 2013.
- 2. At that time, Defendants' Motion to Dismiss Plaintiff's First Amended Complaint was set for hearing on September 7, 2011. On October 13, 2011, this Court granted Defendants' Motion to Dismiss Plaintiff's First Amended Complaint. Plaintiff subsequently filed his Second Amended Complaint and Defendants moved to dismiss Plaintiff's Second Amended Complaint on November 23, 2011.
- 3. On March 27, 2012, this Court denied Defendants' Motion to Dismiss and directed Defendants to file the Answers by April 16, 2012.
 - 4. On April 16, 2012, Defendants filed their Answers and this case first became at issue.
- 5. Parties' Initial Disclosures were due two weeks after this case became at issue and Parties timely exchanged initial disclosures, receiving each others' disclosures in early May 2012.
- 6. Based on these events and intervening discussions, Defendants have informed Plaintiff that the current Defendants were not the manufacturers, designers, or distributors of the femoral stem implanted into Plaintiff, and that Pfizer Inc. is the proper defendant.
- 7. As such, Plaintiff needs to amend his complaint to add Defendant Pfizer Inc. into the action. If Defendants' contentions are confirmed in discovery, Plaintiff will dismiss some or all of the currently named Defendants.
- 8. Pfizer Inc., in turn, would need adequate time to conduct discovery and prepare experts. Plaintiff also would need additional time to conduct discovery and prepare his case against Pfizer Inc.
- 9. As such, Parties hereby stipulate and respectfully request that this Court consider the foregoing as good cause to amend the existing Pre-trial Scheduling Order.
- 10. Parties propose that the current Pre-trial Scheduling Order be vacated to allow Plaintiff to amend his Second Amended Complaint by July 3, 2012, and that a new Scheduling Conference be set for September 2012.

TRIAL SCHEDULING ORDER DEADLINES

1	Dated: May 30, 2012	By: <u>/s/ Amir Nassihi</u> ALICIA J. DONAHUE
2		ALICIA J. DONAHUE AMIR NASSIHI
3		Attorneys for Defendants STRYKER
4 5		CORPÓRATION AND HOWMEDICA OSTEONICS CORP (erroneously sued as Stryker Orthopaedics)
6	IT IS SO ORDERED (AS MODIFIED BY THE COURT).	
7		
8	DATED: May 31, 2012	
9		
10	<u>/s/</u>	John A. Mendez
11	U.	S. DISTRICT COURT JUDGE
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28	\ <u></u>	ND AMENDED COMPLAINT AND CONTINUE PRE-

TRIAL SCHEDULING ORDER DEADLINES

PDF created with patractory trial version www.pdffactory.com