

1 BLANK ROME LLP
Michael L. Ludwig (SBN 173850)
2 Ludwig@BlankRome.com
Caroline P. Donelan (SBN 268762)
3 CDonelan@BlankRome.com
2029 Century Park East, 6th Floor
4 Los Angeles, CA 90067
Telephone: 424.239.3400
5 Facsimile: 424.239.3434

6 BLANK ROME LLP
Anthony B. Haller (*pro hac vice*)
7 Haller@BlankRome.com
One Logan Square
8 130 North 18th Street
Philadelphia, PA 19103
9 Telephone: 215.569.5690
Facsimile: 215.832.5690

10 *Attorneys for Defendants,*
11 *Synthes, Inc., DePuy Synthes Sales, Inc.,*
Johnson & Johnson Services, Inc.,
12 *and Synthes USA Sales, LLC*

13 HUNTER PYLE, SBN 191125
hpyle@ssrplaw.com
14 CHAD SAUNDERS, SBN 257810
csaunders@ssrplaw.com
15 SUNDEEN SALINAS & PYLE
428 Thirteenth Street, Eighth Floor
16 Oakland, California 94612
Telephone: (510) 663-9240
17 Facsimile: (510) 663-9241

18 *Attorneys for Plaintiffs*
Edwin Houston Hayes and Greg Knapp

19 **UNITED STATES DISTRICT COURT**
20 **EASTERN DISTRICT OF CALIFORNIA**

21 EDWIN HOUSTON HAYES and GREG
22 KNAPP,

23 Plaintiffs,

24 v.

25 DEPUY SYNTHES SALES, INC.,
JOHNSON & JOHNSON SERVICES,
26 INC.; SYNTHES, INC., and
SYNTHES USA SALES, LLC,

27 Defendants.

Case No.: 2:15-cv-01200-TLN-AC

*Assigned for all purposes to the
Honorable Troy L. Nunley*

**JOINT STIPULATION TO REVISE
CURRENT CASE SCHEDULE AND
ORDER THEREON**
**[MODIFIED FROM SUBMITTED
VERSION]**

FAC filed: June 10, 2015

1 Defendants SYNTHES, INC., DEPUY SYNTHES SALES, INC.,
2 JOHNSON & JOHNSON SERVICES, INC. and SYNTHES USA SALES, LLC
3 (“Defendants”) and Plaintiffs EDWIN HOUSTON HAYES and GREG KNAPP
4 (“Plaintiffs”), (collectively referred to herein as “the Parties”) by and through their
5 counsel of record, hereby jointly stipulate and respectfully request that the Court
6 extend the fact discovery, expert disclosure, and dispositive motion deadlines for
7 this litigation. In support of this stipulation, the Parties state as follows:

8 WHEREAS, this Court entered its initial Pretrial Scheduling Order
9 (“Scheduling Order”) on November 13, 2015 (Docket number 12);

10 WHEREAS, on October 28, 2015 and November 5, 2015 Defendants
11 tendered to Plaintiffs statutory offers to compromise pursuant to Rule 68 of the
12 Federal Rules of Civil Procedure;

13 WHEREAS, the Parties engaged in good faith discussions regarding the Rule
14 68 offers to compromise through the end of November 2015, and Plaintiffs
15 ultimately declined Defendants’ Rule 68 offers;

16 WHEREAS, from February to May 2016, the Parties propounded and
17 exchanged written discovery, including the production of documents and
18 voluminous electronically stored information;

19 WHEREAS, the Parties have requested in good faith and received two
20 previous extensions to the fact discovery deadlines in this case (Docket numbers 15
21 and 20) based primarily on the availability of witnesses and attorneys for
22 deposition;

23 WHEREAS, in August 2016 the Parties again began to engage in good faith
24 settlement discussions and agreed to postpone fact witness depositions and instead
25 participate in private mediation, which mediation was held on September 13, 2016
26 before Ret. Judge Bonnie Sabraw of ADR Services, Inc.;

1 WHEREAS, the Parties were unsuccessful in resolving this matter at
2 mediation, but have continued to engage in good faith settlement discussions and
3 negotiations both directly and through Judge Sabraw;

4 WHEREAS, the Parties agree that the current Scheduling Order does not
5 allow the Parties sufficient time to continue those discussions and complete fact
6 discovery by the October 14, 2016 deadline;

7 WHEREAS, based on the progress of the case and the settlement discussions
8 between the Parties, a short extension of the deadline for completing fact discovery
9 (and a short corresponding extension of other deadlines) will allow the Parties to
10 continue to engage in meaningful settlement discussions and to adequately prepare
11 for trial if those negotiations prove unsuccessful;

12 WHEREAS, the Parties filed a proposed stipulation on October 14, 2017,
13 which this Court denied without prejudice with the direction that the Parties
14 “submit a proposal in which ALL of the current pretrial dates are amended in
15 compliance with the Court’s Pretrial Scheduling Order, thus affording the Court
16 adequate time between the applicable deadlines” (Docket numbers 24-25);

17 WHEREAS, the Parties have now prepared this stipulation consistent with
18 this Court’s direction;

19 WHEREAS, good cause exists for the proposed stipulated extension because
20 it will serve the interests of judicial economy by allowing the Parties to fully
21 explore the possibility settlement without incurring the costs of further depositions
22 or expert discovery and will not delay or prejudice the timely resolution of this
23 case; and

24 WHEREAS, the requested extension will not affect the March 13, 2017, trial
25 date in this case and, in the view of the Parties, affords this Court adequate time
26 between the applicable deadlines;

1 THEREFORE, THE PARTIES HEREBY STIPULATE to, and seek an order
2 from this Court, continuing the deadlines contained in the Scheduling Order as
3 follows:

4 Event	Existing Deadline	Revised Deadline
5 Close of Fact Discovery	October 14, 2016	December 5, 2016
6 Expert Disclosures & 7 Reports	November 7, 2016	December 19, 2016
8 Dispositive Motions	December 8, 2016	January 26, 2017
9 Joint Final Pretrial 10 Statement	January 5, 2017	April 27, 2017
11 Final Pretrial Conference	January 12, 2016	May 4, 2017, at 2:00 12 p.m.
13 Trial Date	March 13, 2017	July 10, 2017, at 9:00 14 a.m.

15
16 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

17 DATED: October 17, 2016

/s/ Chad Saunders

(As authorized on October 17, 2016, L.R.
131(e))

Attorney for Plaintiffs

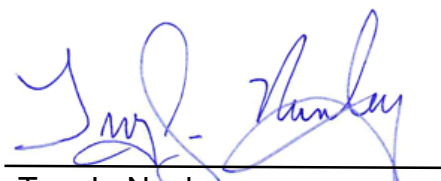
22 DATED: October 17, 2016

/s/ Caroline P. Donelan

Attorney for Defendants

25 IT IS SO ORDERED:

27 Dated: October 18, 2016


Troy L. Nunley
United States District Judge