

1 BLANK ROME LLP  
 Michael L. Ludwig (SBN 173850)  
 2 [Ludwig@BlankRome.com](mailto:Ludwig@BlankRome.com)  
 Caroline P. Donelan (SBN 268762)  
 3 [CDonelan@BlankRome.com](mailto: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](mailto: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](mailto:hpyle@ssrplaw.com)  
 14 CHAD SAUNDERS, SBN 257810  
[csaunders@ssrplaw.com](mailto: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.  
 28

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**

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 undersigned counsel of record, hereby jointly stipulate and respectfully request that  
6 the Court extend the fact discovery, expert disclosure, dispositive motion deadlines  
7 and trial date for this litigation. In support of this stipulation, the Parties state as  
8 follows:

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

11 WHEREAS, the Parties have requested in good faith and received three  
12 previous extensions to the fact discovery deadlines in this case (Docket numbers 15,  
13 20 and 27) based primarily on the availability of witnesses and attorneys for  
14 deposition and the ongoing settlement discussions between the parties;

15 WHEREAS, Plaintiffs’ counsel plan to file an Amended Complaint in this  
16 action by weeks’ end, to add a new Plaintiff, Mark Panozzo (“Panozzo”);

17 WHEREAS, Defendants stipulate to allow Plaintiffs to file an Amended  
18 Complaint to add Panozzo, but expressly reserve all rights related to the Amended  
19 Complaint, including but not limited to the right to challenge the viability of  
20 Panozzo’s claims;

21 WHEREAS, the Parties agree that the current Scheduling Order does not  
22 allow the Parties sufficient time to continue their good faith settlement discussions  
23 and complete fact discovery, including but not limited to discovery related to the  
24 newly added Plaintiff, Panozzo, by the December 5, 2016 deadline;

25 WHEREAS, based on the progress of the case, the settlement discussions  
26 between the Parties, and the newly added Plaintiff, an extension of the deadline for  
27 completing fact discovery (and a corresponding extension of other deadlines) and  
28 trial will allow the Parties to continue to engage in meaningful settlement

1 discussions and to adequately prepare for trial if those negotiations prove  
2 unsuccessful;

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

7 THEREFORE, THE PARTIES HEREBY STIPULATE to, and seek an order  
8 from this Court, continuing the deadlines and trial date contained in the Scheduling  
9 Order as follows:

<b>Event</b>	<b>Existing Deadline</b>	<b>Revised Deadline</b>
Close of Fact Discovery	December 5, 2016	March 6, 2017
Expert Disclosures & Reports	December 19, 2017	March 20, 2017
Dispositive Motions	January 26, 2017	<b>April 6, 2017</b>
Joint Final Pretrial Statement	April 27, 2017	<b>August 17, 2017</b>
Final Pretrial Conference	May 4, 2017, at 2:00 p.m.	<b>August 24, 2017, at 2:00 p.m.</b>
Trial Date	July 10, 2017, at 9:00 a.m.	<b>October 2, 2017, at 9:00 a.m.</b>

23  
24 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

25 DATED: December 5, 2016                      /s/ Chad Saunders

26 (As authorized on December 5, 2016; L.R.

27 131(e))

28 Attorney for Plaintiffs

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

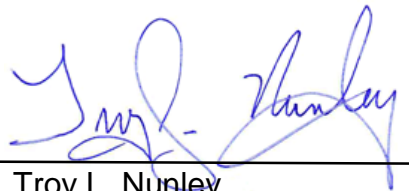
DATED: December 5, 2016

/s/ Caroline P. Donelan

Attorney for Defendants

**IT IS SO ORDERED:**

Dated: December 8, 2016



Troy L. Nunley  
United States District Judge