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27 AstraZeneca Pharmaceuticals LP

28 UNITED STATES DISTRICT COURT
OF CALIFORNIA – EASTERN DISTRICT

29 PENELOPE COSTAMAGNA and GARY
30 COSTAMAGNA,
31 Plaintiffs,

32 vs.

33 THE PROCTER & GAMBLE COMPANY,
34 an Ohio Corporation, ASTRAZENECA
35 PHARMACEUTICALS LP, a Delaware
36 entity, and DOES 1 TO 50, inclusive,
37 Defendants.

Case No.: 2:17-cv-00409-MCE-EFB

STIPULATION AND ORDER TO
STAY ACTION PENDING A
DECISION FROM THE UNITED
STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Assigned to the Hon. Morrisson C.
England, Jr.

1 Plaintiffs Penelope Costamagna and Gary Costamagna (“Plaintiffs”) and
2 Defendant AstraZeneca Pharmaceuticals LP (“AstraZeneca”), by and through their
3 respective counsel, jointly stipulate and request this Court to stay this action pending a
4 determination by the Judicial Panel on Multidistrict Litigation (“JPML”) in the *In re Proton-*
5 *Pump Inhibitor Products Liability Litigation* as to whether to transfer and consolidate
6 complaints filed against AstraZeneca and others into a multidistrict proceeding.

7 WHEREAS, Plaintiffs filed their Complaint on February 23, 2017 (ECF No. 1);

8 WHEREAS, service was completed on Defendants as of April 10, 2017 (ECF No.
9 6);

10 WHEREAS, on May 1, 2017, AstraZeneca filed a Motion to Dismiss Plaintiffs’
11 Complaint (ECF Nos. 9 and 10), which was set for hearing on June 15, 2017, and reset
12 by the Court for June 29, 2017;

13 WHEREAS, Plaintiffs filed a First Amended Complaint (ECF No. 23) on May 22,
14 2017;

15 WHEREAS, AstraZeneca answered the First Amended Complaint on June 5, 2017
16 (ECF No. 27);

17 WHEREAS, on May 31, 2017, several plaintiffs filed before the JPML a Motion for
18 Transfer of Actions to the United States District Court for the District of New Jersey
19 Pursuant to 28 U.S. C. § 1407 and JPML Rule 7.2 for Coordinated and Consolidated
20 Pretrial Proceedings (“Motion for Transfer”), attached hereto as Exhibit A;

21 WHEREAS, through that Motion for Transfer, those plaintiffs seek transfer and
22 centralization in the District of New Jersey of at least 172 product liability cases, including
23 the instant matter, that are currently pending in multiple district courts nationwide alleging
24 various renal injuries as a result of use of proton-pump inhibitors (“PPIs”);

25 WHEREAS, it is anticipated the JPML will consider the Motion for Transfer at its
26 next scheduled hearing on July 27, 2017 in Los Angeles, California, and that a decision
27 on the Motion will be rendered in August 2017;

28

1 DATED: June 9, 2017

By: /s/ Joshua H. Watson (as authorized on
6/8/17

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5 Attorneys for Plaintiffs
6 Penelope Costamagna and
7 Gary Costamagna

8 **ORDER**

9 Having reviewed the parties' stipulation, and good cause appearing, the Court's
10 Initial Pretrial Scheduling Order (ECF No. 3) is hereby vacated and this action is stayed in
11 all respects pending the JPML decision on the pending Motion to Transfer. This matter is
12 set for a status conference on September 21, 2017 at 2:00 p.m. That conference will
13 establish a schedule for adjudicating the case depending on the status of the matter at
14 that time. The parties are ordered to file a Joint Proposed Scheduling Order within
15 seven (7) calendars days preceding the status conference.

16 IT IS SO ORDERED.

17 Dated: June 16, 2017

18 
19 MORRISON C. ENGLAND, JR.
20 UNITED STATES DISTRICT JUDGE