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13 **[Additional Counsel Appear on Signature Page]**

14 **IN THE UNITED STATES DISTRICT COURT**
 15 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

16 COUNTY OF SAN JOAQUIN, CITY OF
 STOCKTON, and MONTEZUMA FIRE
 17 PROTECTION DISTRICT,

18 Plaintiffs,

19 v.

20 PURDUE PHARMA L.P., PURDUE
 PHARMA INC., THE PURDUE
 FREDERICK COMPANY, INC., TEVA
 21 PHARMACEUTICALS USA, INC.,
 CEPHALON, INC., JOHNSON &
 JOHNSON, JANSSEN
 22 PHARMACEUTICALS, INC., ORTHO
 MCNEIL-JANSSEN
 PHARMACEUTICALS, INC. N/K/A
 23 JANSSEN PHARMACEUTICALS, INC.,
 JANSSEN PHARMACEUTICA, INC. N/K/A
 24 JANSSEN PHARMACEUTICALS, INC.,
 ENDO HEALTH SOLUTIONS INC., ENDO
 25 PHARMACEUTICALS, INC.; MCKESSON
 CORPORATION; and DOES 1-100,
 26 INCLUSIVE,

27 Defendants.

Case No.: 2:17-CV-01485-MCE-GGH

**STIPULATION FOR DEFENDANT
 MCKESSON CORPORATION NOT
 TO RESPOND TO COMPLAINT IN
 FEDERAL COURT; ORDER**

Current Response Date:
 September 22, 2017

28

1 Pursuant to Civil Local Rule 143, Plaintiffs County of San Joaquin, City of Stockton,
2 and Montezuma Fire Protection District (collectively, “Plaintiffs”) and Defendant McKesson
3 Corporation (“McKesson”), by and through their respective counsel, subject to approval of this
4 Court, hereby stipulate and agree that because McKesson will not remain a party to this federal
5 court action once the Court rules on the Plaintiffs’ Motion to Remand (Dkt. 21), and as it serves
6 the interests of judicial economy and efficiency if McKesson is not required to respond to the
7 Complaint in this Court, the Parties request the Court’s approval to relieve McKesson from the
8 requirement from responding to the Complaint in this Court:

9 WHEREAS, on May 25, 2017, Plaintiffs commenced this suit in San Joaquin County
10 Superior Court;

11 WHEREAS, on July 17, 2017, all defendants except for McKesson (the “Removing
12 Defendants”) removed this action to federal court on the grounds that McKesson is a
13 dispensable party, is fraudulently joined, and is fraudulently misjoined;

14 WHEREAS, Plaintiffs filed a Motion to Remand on August 16, 2017, alleging that
15 McKesson is a properly-joined defendant and cannot be severed from this action;

16 WHEREAS, the hearing on the Motion to Remand is currently set for October 19, 2017;

17 WHEREAS, if the Court rules in favor of the Removing Defendants and denies
18 Plaintiffs’ Motion to Remand, McKesson will be severed or dismissed from this action;

19 WHEREAS, if the Court grants Plaintiffs’ Motion to Remand, and finds that McKesson
20 is a properly-joined defendant, there will be no diversity jurisdiction, the case will be remanded
21 to state court, and McKesson, along with all other defendants, will no longer be litigating before
22 this Court;

23 WHEREAS, the parties stipulate and agree that under either outcome—removal to
24 federal court or a remand back to state court—McKesson will not remain a party to this federal
25 action and should not be required to respond to the Complaint in this Court;

26 WHEREAS, McKesson’s current deadline in this Court to respond to the Complaint is
27 September 22, 2017;

1 WHEREAS, without the requested relief, McKesson will be required to answer or file a
2 Rule 12(b)(6) motion in this Court at that time, as well as a duplicative answer or demurrer in
3 state court after the Court decides Plaintiffs' Motion to Remand;

4 WHEREAS, the requested relief will conserve judicial resources and promote judicial
5 efficiency; and

6 WHEREAS, Civil Local Rule 143 requires the Court's approval for all stipulations;

7 NOW THEREFORE, subject to approval by the Court, the Parties hereby stipulate that
8 McKesson shall be relieved of any requirement that it answer or otherwise respond to the
9 Complaint in this Court.

10 IT IS SO STIPULATED:

12 DATED: September 7, 2017

COVINGTON & BURLING LLP
CLARA J. SHIN
JUN LI

15 By: /s/Clara J. Shin
 Clara J. Shin

16 *Attorneys for Defendant*
17 *McKesson Corporation*

18 DATED: September 7, 2017

LAW OFFICES OF FRANCIS O. SCARPULLA

20 By: /s/Francis O. Scarpulla
 Francis O. Scarpulla

21 *Attorneys for Plaintiffs*

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ORDER

The Court has reviewed and considered the Stipulation submitted by Plaintiffs and Defendant McKesson Corporation in the above-captioned action. Accordingly, IT IS HEREBY ORDERED that McKesson Corporation will not be required to answer or otherwise respond to the Complaint in this Court.

IT IS SO ORDERED.

Dated: September 13, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE