UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTINA BIRD; and CLARENCE BIRD Plaintiffs, vs. GLOBUS MEDICAL, INC.; and DOES 1-100, Defendants.	Case No.: 2:19-cv-01024-KJM-CKD **JOINT STIPULATION AND ORDER**

Pursuant to Local Rule 144(a) of the United States District Court for the Eastern District of California, Plaintiffs Christina Bird and Clarence Bird (collectively "Plaintiffs"), and Defendant Globus Medical, Inc. ("Defendant" or "Globus") (collectively, the "Parties"), have met and conferred and hereby submit the following Stipulation to extend the time for Defendant to answer or otherwise respond to Plaintiffs' First Amended Complaint.

RECITALS

WHEREAS, on March 22, 2019, Plaintiffs filed a Complaint in the Superior Court of the State of California for the County of San Joaquin, Case No. STK-CV-UPL-2019-3785;

WHEREAS, on June 5, 2019, Defendant filed a Notice of Removal of Plaintiffs' lawsuit pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 [ECF No. 1];

WHEREAS, on July 10, 2019, Defendant filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and noticed it for hearing on August 9, 2019. [ECF No. 8]

WHEREAS, that hearing was eventually continued to September 20, 2019 at which time the court held a hearing on Defendant's Motion to Dismiss and on August 19, 2020 the Court issued its order on Defendant's Motion to Dismiss. [ECF No. 31] Based on that order, Plaintiff's amended pleading was due within 14 days or by September 2, 2020.

WHEREAS, on August 20, 2020, the parties filed a Joint Stipulation and Order to Amend the order entered on July 30, 2020. [ECF 34]

WHEREAS, on September 1, 2020, Plaintiffs filed their First Amended Complaint ("FAC"). [ECF No. 33]

WHEREAS, On September 8, 2020, the Court issued an Amended Order correcting its July 30, 2020 order and giving Plaintiff 14 days leave to amend from the date of the Amended Order, or by September 22, 2020. [ECF. No. 35]

WHEREAS, based on the filing of the September 1, 2020 FAC, Defendant's responsive pleading is due September 15, 2020, though pursuant to the September 8, 2020 order, Plaintiff's time to amend has not run.

STIPULATION

Based upon the above recitals, the Parties, through their undersigned counsel, hereby stipulate as follows: The time for Defendant to answer or otherwise respond to Plaintiffs' First Amended Complaint is extended from September 15, 2020 to September 22, 2020.

Dated: September 15, 2020

LAW OFFICES OF JOSEPH W. CARCIONE, JR., APC

By: /s/ *Joshua S. Markowitz*
Joseph W. Carcione, Jr.
Joshua S. Markowitz
Attorneys for Plaintiffs
Christina Bird and Clarence Bird

Dated: September 15, 2020

COZEN O'CONNOR

By: /s/ *Andrew M. Hutchison*
Amy B. Alderfer
Andrew M. Hutchison
Attorneys for Defendant
Globus Medical, Inc.

ORDER

IT IS SO ORDERED.

DATED: September 15, 2020.

CHIEF UNITED STATES DISTRICT JUDGE