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17 Attorneys for the United States of America

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO DIVISION

21 UNITED STATES *ex rel.* STROM,

22 Plaintiffs,

23 v.

24 SCIOS, INC. and

25 JOHNSON & JOHNSON,

26 Defendants.

) No. C 05-3004 CRB (JSC)

) **STIPULATION AND REQUEST TO**
) **CONTINUE HEARING ON UNITED**
) **STATES' MOTION TO COMPEL**
) **CROSS-EXAMINATION OF**
) **DEPOSITION WITNESS RICHARD**
) **BREWER; [PROPOSED] ORDER**

) Date: June 2, 2011

) Time: 9:00 a.m.

) Courtroom D, 15th Floor

) Magistrate Judge Jacqueline Scott Corley

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1 Plaintiffs, the United States of America and Relator Joe Strom; Defendants, Scios, Inc.
2 and Johnson & Johnson; and Third-Party Witness Richard Brewer, through their undersigned
3 counsel of record, hereby stipulate and agree as follows:

4 1. The hearing on the United States' Motion to Compel Cross-Examination of
5 Deposition Witness Richard Brewer (Dkt. No. 94) was previously set for June 8, 2011 and was
6 reset for June 2, 2011 after being reassigned to Magistrate Judge Jacqueline Scott Corley.

7 2. The undersigned government counsel is unavailable to appear for the hearing on June
8 2, 2011 due to previously scheduled business travel.

9 3. Counsel for the parties are all available to attend the hearing if it is continued to June
10 9, 2011.

11 4. Counsel for Mr. Brewer are available to attend the hearing telephonically on June 9,
12 2011.

13 5. Accordingly, we request that the hearing be continued to June 9, 2011 and that counsel
14 for Mr. Brewer be permitted to participate by telephone (via attorney Kip Mendrygal, direct dial
15 214-740-8106).

16 IT IS SO STIPULATED.

17 Respectfully submitted,

18 TONY WEST
19 Assistant Attorney General

20 JOSHUA B. EATON
21 Attorney for the United States, Acting
22 Under Authority Conferred by 28 U.S.C. §515

23 Dated: May 25, 2011

24 By: /s/ signature on file
25 SARA WINSLOW
26 JULIE A. ARBUCKLE
27 THOMAS R. GREEN
28 Assistant United States Attorneys

Dated: May 25, 2011

By: /s/ signature on file
JOYCE R. BRANDA
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Civil Division, U.S. Department of Justice

Attorneys for the United States of America

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NOLAN & AUERBACH, P.A.
LAW OFFICES OF MATTHEW PAVONE

Dated: May 25, 2011 By: /s/ signature on file
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Attorneys for *Qui Tam* Plaintiff Joe Strom

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Dated: May 26, 2011 By: /s/ signature on file
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Dated: May 26, 2011 By: /s/ signature on file
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KIP E. MENDRYGAL

Attorneys for Third-Party Witness Richard Brewer

[PROPOSED] ORDER

Pursuant to stipulation, the hearing on the United States' Motion to Compel Cross-
Examination of Deposition Witness Richard Brewer (Dkt. No. 94) is continued from June 2,
2011 to June 9, 2011 at 9:00 a.m. in Courtroom D, 15th Floor, San Francisco, before Magistrate
Judge Jacqueline Scott Corley. Counsel for Mr. Brewer may appear telephonically.

IT IS SO ORDERED.

Dated: May 27, 2011


JACQUELINE SCOTT CORLEY
United States Magistrate Judge