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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO DIVISION

21 UNITED STATES <i>ex rel.</i> STROM,)	No. C 05-3004 CRB
22 Plaintiffs,)	STIPULATION TO STAY DISCOVERY;
23 v.)	[PROPOSED] ORDER
24 SCIOS, INC. and)	
25 JOHNSON & JOHNSON,)	
26 Defendants.)	

1 Plaintiffs (the United States of America and Relator Joe Strom) and Defendants (Scios,
2 Inc. and Johnson & Johnson), through their undersigned counsel of record, hereby respectfully
3 request and stipulate that the Court set a case management conference in February 2010, and stay
4 the commencement of discovery in this case until after the conference.

5 1. This case is brought under the False Claims Act (“FCA”), 31 U.S.C. §§ 3729-33. It
6 was originally filed by Relator Strom pursuant to the *qui tam* provisions of the FCA. The United
7 States intervened on February 11, 2009 and filed its complaint in intervention on June 11, 2009,
8 superseding the complaint previously filed by Relator.

9 2. The Court held an initial case management conference on August 21, 2009, and
10 ordered that discovery be stayed until November 20, 2009, the date that Defendants’ motion to
11 dismiss is to be heard.

12 3. The parties now request that a further case management conference be held on
13 February 5, 2010, and that discovery be further stayed until that time.

14 4. The need for a further stay involves a matter which is not public, and the undersigned
15 government attorneys are not authorized to disclose it publicly. Accordingly, the United States is
16 concurrently seeking leave to submit a declaration in camera and under seal explaining the need
17 for a further stay. The general substance of the declaration has been shared with Relator and
18 Defendants, and neither Relator nor Defendants object to the United States’ request to submit the
19 declaration in camera and under seal.

20 IT IS SO STIPULATED.

21 Respectfully submitted,

22 TONY WEST
23 Assistant Attorney General

24 JOSEPH P. RUSSONIELLO
United States Attorney

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Dated: November 6, 2009

By: /s/ signature on file
SARA WINSLOW
JULIE A. ARBUCKLE
Assistant United States Attorneys

Dated: November 6, 2009

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

Attorneys for the United States

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

Dated: November 3, 2009

By: /s/ signature on file
KENNETH J. NOLAN, Esq.
MARCELLA AUERBACH, Esq.
MATTHEW B. PAVONE, Esq.
Attorneys for *Qui Tam* Plaintiff Joe Strom

QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP

Dated: November 5, 2009

By: /s/ signature on file
JOHN POTTER, Esq.

Attorneys for Defendants Scios, Inc.
and Johnson & Johnson

~~**[PROPOSED] ORDER**~~

Pursuant to stipulation and for good cause shown, IT IS HEREBY ORDERED that:

1. A further case management conference shall be held on February 5, 2010 at 8:30 a.m.
2. Discovery in this case shall be stayed until a further order is issued at the February 5, 2010 case management conference.

IT IS SO ORDERED.

Dated: November 10, 2009

HON. CHARLES R. BREYER
United States District Court

