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 11 Attorneys for Defendants
 SCIOS, INC. AND JOHNSON & JOHNSON

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16
 17 UNITED STATES *ex rel* STROM,
 18 Plaintiffs,
 19 vs.
 20 SCIOS, INC. and JOHNSON & JOHNSON,
 21 Defendants.

CASE NO. C 05-3004 CRB
**STIPULATION AND ~~PROPOSED~~
 ORDER RE: FILING OF SECOND
 AMENDED ANSWER**

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STIPULATION

WHEREAS the United States filed its Complaint in this matter on June 11, 2009;

WHEREAS Defendants Scios, Inc. and Johnson & Johnson filed a First Amended Answer on February 5, 2010;

WHEREAS the First Amended Answer contains an Eleventh Affirmative Defense of reliance on advice of counsel;

WHEREAS Defendants have elected to dismiss and/or waive with prejudice the Eleventh Affirmative Defense of reliance on advice of counsel;

The undersigned counsel hereby stipulate and agree as follows:

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendants shall be permitted to file a Second Amended Answer to the United States' Complaint that removes the Eleventh Affirmative Defense of reliance on advice of counsel.

IT IS SO STIPULATED.

Dated: March 16, 2010

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Christopher Tayback
CHRISTOPHER TAYBACK

*Attorneys for Defendants Scios, Inc. and Johnson
& Johnson*

Dated: March 16, 2010

By /s/ Sara Winslow
SARA WINSLOW
JULIE A. ARBUCKLE
Assistant United States Attorneys

1 Dated: March 16, 2010

By /s/ Renee Orleans
RENÉE S. ORLEANS
KIMBERLY FRIDAY
Civil Division, U.S. Department of Justice

4 Dated: March 16, 2010

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

6 By /s/ Matthew Pavone
MATTHEW PAVONE

8 *Attorneys for Relator Joe Strom*

11 **ORDER**

12 Pursuant to stipulation, it is so ordered. Defendants may file their Second Amended
13 Answer. Defendants' Eleventh Affirmative Defense of reliance on advice of counsel is waived
14 and dismissed with prejudice.

15 IT IS SO ORDERED.

16 Dated: March 23, 2010

