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 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 - SAN FRANCISCO DIVISION -  
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12 THE COUNTY OF SANTA CLARA, On  
 Behalf of Itself and All Others Similarly  
 13 Situated,

14 Plaintiff,

15 v.

16 ASTRA USA, INC., ASTRAZENECA  
 PHARMACEUTICALS LP, AVENTIS  
 17 PHARMACEUTICALS INC., BAYER  
 CORPORATION, BRISTOL-MYERS  
 18 SQUIBB COMPANY, BURROUGHS  
 WELLCOME CO., GLAXO WELLCOME  
 19 INC., PFIZER INC., SCHERING-  
 PLOUGH CORPORATION, TAP  
 20 PHARMACEUTICAL PRODUCTS INC.,  
 WYETH-AYERST LABORATORIES,  
 21 INC., ZENECA INC., ZLB BEHRING  
 LLC, and DOES 1 through 100, inclusive.

22 Defendants.  
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CASE NO. C 05-03740 WHA

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING THE TIME FOR  
 ALL DEFENDANTS TO RESPOND TO  
 THE COMPLAINT**

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1 PURSUANT TO LOCAL RULE 6.2, counsel for Plaintiff and counsel for Defendants  
2 submit this stipulation and proposed order regarding the timing of Defendants' responses to  
3 Plaintiff's Complaint.

4 WHEREAS, Plaintiff filed the Complaint in this action in the Superior Court for the  
5 County of Alameda on August 16, 2005;

6 WHEREAS, on September 15, 2005, Defendants removed this case to the United States  
7 District Court for the Northern District of California;

8 WHEREAS, on September 20, 2005, the case was reassigned to the Honorable William  
9 H. Alsup for all further proceedings;

10 WHEREAS, Defendants' time to respond to the Complaint is "within 20 days after the  
11 receipt through service or otherwise of a copy of the initial pleading . . . or within 5 [business]  
12 days after the filing of the petition for removal, whichever period is longest" pursuant to Fed.  
13 Rules of Civ. Proc. 6(a), 81(c);

14 WHEREAS, Plaintiff has not decided whether to file a motion to remand;

15 WHEREAS, pursuant to 28 U.S.C. §1447(c), Plaintiff has thirty (30) days after the  
16 removal notice was filed in federal court to file a motion to remand;

17 WHEREAS, Defendants intend to file one or more motions to dismiss under Fed. R. Civ.  
18 Proc. 12(b), as well as perhaps other responsive pleadings;<sup>1</sup>

19 WHEREAS, the parties believe it would be in the best interests of the parties and the  
20 Court to postpone the filing by Defendants of their responses to the Complaint until after  
21 Plaintiff's motion to remand, if any, has been decided; and

22 WHEREAS, this is the first request to the Court by the parties in this action for an  
23 extension of time.

24 IT IS HEREBY STIPULATED AND AGREED by the parties, by and through their  
25 respective counsel, that the time of any Defendant to respond to the Complaint in this Court is

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27 <sup>1</sup> By filing this stipulation and proposed order, Defendants do not submit to personal  
28 jurisdiction. On the contrary, one or more Defendants may challenge the Court's exercise of  
personal jurisdiction in this matter by filing a motion to dismiss pursuant to Fed. R. Civ. P.  
12(b)(2).

1 extended until either thirty (30) days after the Court rules on a motion to remand by Plaintiff or  
2 thirty (30) days after Defendants receive written notice that Plaintiff has decided not to file a  
3 motion to remand, whichever comes first. For the foregoing reasons, the parties respectfully  
4 request that the Court approve the requested extension of time.

5  
6 DATED: September 21, 2005

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defunct Defendants BURROUGHS WELLCOME CO.  
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1 DATED: September 21, 2005

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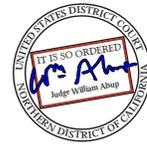
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**ORDER**

BASED ON THE FOREGOING AND GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

Based on the parties' stipulation agreeing to extend the time for any Defendant to file a responsive pleading, the deadline for any Defendant to answer, file a Federal Rule 12(b) motion or otherwise respond to the Complaint in this Court shall be extended to thirty (30) days after the Court rules on a motion to remand by Plaintiff or thirty (30) days after Defendants receive written notice that Plaintiff will not file a motion to remand, whichever comes first. PURSUANT TO STIPULATION, IT IS SO ORDERED.



DATED: September 22, 2005

HONORABLE JUDGE WILLIAM H. ALSUP