

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE COUNTY OF SANTA CLARA, on behalf  
of itself and all others similarly situated,  
  
Plaintiffs,

No. C 05-03740 WHA

v.

**ORDER CLARIFYING THIRD  
AMENDED CASE  
MANAGEMENT ORDER RE  
NON-PARTY SUBPOENAS**

ASTRA USA, INC., ASTRA ZENECA  
PHARMACEUTICALS LP, EVENTS  
PHARMACEUTICALS, INC., BAYER  
CORPORATION, BRISTOL-MYERS SQUIBB  
COMPANY, PFIZER, INC.,  
SCHERING-PLOUGH CORPORATION TAP  
PHARMACEUTICAL PRODUCTS, INC.,  
ZENECCA, INC., ZLB BEHRING LLC,  
SMITHKLINE BEECHAM CORPORATION,  
SMITHKLINE BEECHAM CORPORATION  
d/b/a GLAXO SMITHKLINE, WYETH, INC.,  
WYETH PHARMACEUTICALS, INC.,

Defendants.

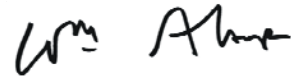
Issued on July 9, 2010, the third amended case management order (Dkt. No. 667) is the operative scheduling order in this matter. Among other items, it stated that plaintiffs “could take document and deposition discovery from any two non-party large entities like Kaiser said by counsel to have likely obtained hidden concessions” (July 9 order at 2). The parties now seek clarification whether the order intended that plaintiffs be allowed to serve this non-party discovery on a *total* of two entities or on two entities *per defendant*. The intent and plain language of the order is that plaintiffs be limited to two non-party subpoenas (and accompanying document requests) in total, not two per defendant. As noted in the third amended case

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management order, the document requests must be narrowly drawn to a small number of drugs for a discrete time period and cannot be broad fishing expeditions. Please do not use this purported issue as an excuse to ask for a deadline extension.

**IT IS SO ORDERED.**

Dated: August 3, 2010.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE