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6 Attorneys for Defendants
 SMITHKLINE BEECHAM CORPORATION dba
 7 GLAXOSMITHKLINE and MCKESSON
 CORPORATION
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION
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13 JANICE ROSALES, as surviving statutory
 beneficiary for the wrongful death of
 14 Armando Rosales, Jr., deceased,
 individually and on behalf of all other heirs
 15 of decedent,

16 Plaintiff,

17 v.

18 SMITHKLINE BEECHAM
 CORPORATION, a Pennsylvania
 19 corporation, d/b/a GLAXOSMITHKLINE;
 MCKESSON CORPORATION, a
 20 Delaware corporation; DOES ONE through
 FIFTEEN, inclusive,
 21

22 Defendants.
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Case No. CV-08-5658 EMC

**STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING DEFENDANTS'
 TIME IN WHICH TO RESPOND TO
 COMPLAINT**

24 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the
 25 time within which defendants SMITHKLINE BEECHAM CORPORATION d/b/a
 26 GLAXOSMITHKLINE (“GSK”) and MCKESSON CORPORATION (“McKesson”) (collectively
 27 “Defendants”) may move, answer, or otherwise respond to Plaintiff’s Complaint is extended
 28 pending the determination of certain jurisdictional issues. It is agreed that should this matter

1 remain in this Court, and neither be transferred to the MDL nor remanded, Defendants shall
2 answer or otherwise respond to Plaintiff's Complaint within thirty (30) days from the date the
3 JPML rules upon Plaintiff's opposition to transfer to the MDL, but if the matter is transferred to
4 the MDL, the time for responding shall be governed by the Pretrial Orders entered in the multi-
5 district litigation, *In re Avandia Marketing, Sales Practices and Products Liability Litigation*,
6 MDL 1871 (E.D. Pa.) before the Honorable Cynthia M. Rufe, of the United States District Court
7 for the Eastern District of Pennsylvania.¹

8 It is further agreed, that should this matter be remanded to state court, Defendants shall
9 respond within thirty (30) days of entry of the remand order.

10 Pursuant to Local Rule 6-1, stipulations which alter the date of any event or any deadline
11 already fixed by the Court require court approval. Although the parties believe this stipulation
12 will have no such effect, to the extent that it does, the parties request that this Court approve the
13 proposed order below, consistent with the stipulation above.

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26 ¹ The above-entitled action was tagged for transfer to MDL 1871 and awaits a ruling upon Plaintiff's
27 opposition to transfer to the MDL now pending before the Judicial Panel on Multidistrict Litigation.

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IT IS SO STIPULATED:

Dated: January 7, 2009

DRINKER BIDDLE & REATH LLP

By: /s/ Krista L. Cosner
Krista L. Cosner

Attorneys for Defendants
SMITHKLINE BEECHAM CORPORATION
dba GLAXOSMITHKLINE and MCKESSON
CORPORATION

Dated: January 7, 2009

PHILLIPS & ASSOCIATES

By: /s/ Lowell Finson
Lowell Finson
Robert F. Clarke

Attorneys for Plaintiff
JANICE ROSALES

Pursuant to stipulation, IT IS SO ORDERED:

Dated: 1/9/2009

