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IT IS HEREBY STIPULATED by Plaintiff Lavon Hill and Defendant Bayer

HealthCare LLC (Bayer) that the Court ought to set the following schedule in this matter:

Last Day for Expert Disclosures: 2.26.2010

Last Day for Rebuttal Expert Disclosures: 3.12.2010

Close of Expert Discovery: 3.26.2010

Close of Non-Expert Discovery: 2.19.2010

Last Day to Hear Dispositive Motions: Friday, 4.16.2010 for, in the alternative, 4.9.2010 at 9:00 a.m. (opening briefs shall be filed no later than 35 calendar days before the day set for hearing; opposing briefs shall be filed no later than 21 calendar days before the day set for hearing; reply briefs shall be filed no later than 14 calendar days before the day set for hearing).

Pre-Trial Conference: Monday, 4.19.2010, at 2:00 p.m.

GOOD CAUSE FOR THIS REQUESTED ORDER EXISTS FOR THE **FOLLOWING REASONS:**

As stated in the Parties' previous Joint Stipulation to Modify Case Management Dates signed into Order on January 4, 2010, a Site Inspection of Bayer's premises was tentatively scheduled for 1.27. 2010. Bayer was unable to accommodate Plaintiff's expert due to conflicting schedules of Bayer representatives, who Bayer requires to enable access to the facility. More particularly, the facilities in question comprise aseptic areas where gowning and other special precautionary measures are required for all personnel accessing such locations, to ensure regulatory compliance in Bayer's pharmaceutical production environment. Because of the scheduling availability of Bayer representatives, the parties' respective consultants, and counsel, the Site Inspection cannot be conducted until February 18 or 19, and the parties are currently in the process of confirming one of these two dates. In addition, one of the witnesses that Plaintiff seeks to depose, Peter Pawlik, no longer works for Bayer, but works and resides in Southern California. Nonetheless, Bayer has agreed to make the individual available for deposition in the Bay Area on Sunday, February 14, 2010, and Plaintiff has agreed to this weekend deposition scheduling.

- 2. The parties have continued to diligently engage in further depositions and written discovery, having taken the depositions of Plaintiff, Plaintiff's treating physician's, Dr. Douglas Chin, Bayer witnesses, Dave Willis and Chris Burns, and completed written discovery, pending certain additional document disclosure. Further, Depositions have been noticed for (i) Bob Russey (a Bayer Labor Relations Manager), (ii) Mary Foxall (a Bayer Occupational Health Nurse), (iii) John (Jay) Mentz (a Bayer production supervisor), (iv) Peter Pawlik (a former Bayer manager), and (v) Erin Royle (a Bayer Occupational Health Nurse), (vi) Thomas James (a Bayer QA product line Manager), and (vii) Cristina Garrido Soto (a Bayer Tech Trainer) in the coming weeks. The parties have continued to successfully work cooperatively through all discovery matters and have at no time resorted to this Court for resolution of same.
- 3. The parties believe that with the requested modification to the case management dates, percipient and expert discovery can be timely completed without causing undue burden to the witnesses. Without the requested modifications, on the other hand, the parties believe there will be significant burden imposed upon the parties, witnesses and their counsel in an effort to comply with the current case management dates.
- 4. Both parties expressed an interest in mediation within the previous joint stipulation and such interest continues. The parties plan on conducting mediation as soon as all percipient discovery has been conducted. Further, the requested modifications will allow the parties' experts to form the necessary opinions to make said mediation meaningful to the parties and bring a possible settlement to this matter short of trial.
- 5. No party shall be prejudiced by this Order where the parties have stipulated to the new dates and this Court shall retain the originally set Trial Date.

IT IS SO STIPULATED:

Dated: February 2, 2010

LAW OFFICES OF NEVIN & ABSALOM

Kenneth C. Absalom
Attorneys for Plaintiff

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	LAW OFFICE OF JEROME SCHREIBSTEIN	
3 4	Dated: February 2, 2010 Jerome Schreibstein Attorney for Defendant	
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6 7 8	PURSUANT TO STIPULATION AND GOOD CAUSE OTHERWISE APPEARING, THE COURT SETS THE FOLLOWING CASE MANAGEMENT DATES IN THIS MATTER:	
9	<u>Last Day for Expert Disclosure</u> : 2.26.2010	
10	Last Day for Rebuttal Expert Disclosure: 3.12.2010	
11	Close of Expert Discovery:3.26.2010	
13	Close of Non-Expert Discovery: 2.19.2010	
14 15 16	Last Day to Hear Dispositive Motions: Friday, 4.16.2010 [4.9.2010] at 9:00 a.m. (opening briefs shall be filed no later than 35 calendar days before the day set for hearing; opposing briefs shall be filed no later than 21 calendar days before the day set for hearing; reply briefs shall be filed no later than 14 calendar days before the day set for hearing). If the parties file cross-motion for state of the day set for hearing in the parties of the day set for hearing.	ımmary
17	Pre-Trial Conference: Monday, 4.19.2010, at 2:00 p.m. Monday, May 17, 2010 at 2:00 p.m. judgment, the Court will only accept opening; opposition/cross-motion opposition; and reply to cross-motion	; reply/
18	IT IS SO ORDERED	
19	Trial: Monday, June 7, 2010 at 8:00 a.m. Dated: February 3, 2010	
20	HON WEIREWS WHITE	
21	UNITED STATES DISTRICT JUDGE	
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