



1           **IT IS HEREBY STIPULATED** by Plaintiff Lavon Hill and Defendant Bayer  
2 HealthCare LLC (Bayer) that the Court ought to set the following schedule in this matter:

3 Last Day for Expert Disclosures: 2.26.2010

4 Last Day for Rebuttal Expert Disclosures: 3.12 .2010

5 Close of Expert Discovery: 3.26.2010

6 Close of Non-Expert Discovery: 2.19.2010

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

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

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

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



LAW OFFICE OF JEROME SCHREIBSTEIN

Dated: February 2, 2010

/S/  
Jerome Schreiberstein  
Attorney for Defendant

**PURSUANT TO STIPULATION AND GOOD CAUSE OTHERWISE APPEARING, THE COURT SETS THE FOLLOWING CASE MANAGEMENT DATES IN THIS MATTER:**

Last Day for Expert Disclosure: 2.26.2010

Last Day for Rebuttal Expert Disclosure: 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~~ [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 summary judgment, the Court will only accept four briefs -- opening; opposition/cross-motion; reply/opposition; and reply to cross-motion.


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

Monday, May 17, 2010 at 2:00 p.m.

**IT IS SO ORDERED**

Trial: Monday, June 7, 2010 at 8:00 a.m.

Dated: February 3, 2010

  
HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE