

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Jose

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18 Attorneys for Defendants
19 MYLAN, INC., MYLAN PHARMACEUTICALS
20 INC. (erroneously sued herein as MYLAN
21 PHARMACEUTICALS, INC.) AND MYLAN
22 TECHNOLOGIES INC. (erroneously sued herein as
23 MYLAN TECHNOLOGIES, INC.)

24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

26 CANDACE GHOLSON and KRISTY
27 GHOLSON,
28
29 Plaintiffs,
30
31 v.
32 MYLAN, INC., MYLAN
33 PHARMACEUTICALS, INC. and
34 MYLAN TECHNOLOGIES, INC.,
35
36 Defendants.

CASE NO. C09-02042 JSW

**STIPULATION AND ORDER TO FOR
LEAVE TO FILE SECOND AMENDED
COMPLAINT AND TO EXTEND CASE
MANAGEMENT AND DISCOVERY
DEADLINES**

Complaint Filed: May 8, 2009
Trial Date: April 18, 2011

25 COMES NOW Plaintiffs CANDACE GHOLSON and KRISTY GHOLSON and
26 Defendants MYLAN INC., MYLAN PHARMACEUTICALS INC., and MYLAN
27 TECHNOLOGIES INC., by and through their attorneys of record, and submit the following
28 Stipulation and Proposed Order For Leave to File Second Amended Complaint and to Extend

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1 Case Management and Discovery Deadlines:

2 1. On September 21, 2009 the Court issued an Order Scheduling Trial and Pretrial
3 Matters which included deadlines for the completion of fact and expert discovery. Per the Order,
4 all fact discovery is to be completed by April 1, 2010 and all expert discovery is to be completed
5 by July 30, 2010.

6 2. On December 24, 2009, plaintiffs filed an amended complaint naming five new
7 defendants, ALZA CORPORATION, JANSSEN PHARMACEUTICA PRODUCTS, L.P.,
8 JANSSEN, L.P., JANSSEN PHARMACEUTICA, INC., and ORTHO-MCNEIL-JANSSEN
9 PHARMACEUTICALS, INC.

10 3. ALZA CORPORATION, JANSSEN PHARMACEUTICA PRODUCTS, L.P.,
11 JANSSEN, L.P., JANSSEN PHARMACEUTICA, INC., AND ORTHO-MCNEIL-JANSSEN
12 PHARMACEUTICALS, INC., the newly named defendants, have not been served with the
13 amended complaint as of this date and have not appeared in the action.

14 4. Plaintiffs seek to amend their complaint a second time to modify certain legal and
15 factual allegations, but do not seek to add any additional parties. The parties hereby request an
16 order allowing plaintiffs to immediately file their proposed Second Amended Complaint, a copy
17 of which is attached hereto as Exhibit A. By joining in this Stipulation, Mylan in no way waives,
18 or intends to waive its right to deny the allegations contained in Plaintiffs' Second Amended
19 Complaint. Mylan further preserves its right to answer or otherwise plead in response to
20 Plaintiffs' Second Amended Complaint in accordance with the Federal Rules of Civil Procedure.

21 5. The Parties hereby request an order extending the time for completion of fact and
22 expert discovery and date set for hearing of Daubert Motions to allow time for the newly named
23 defendants to appear in the action and participate in discovery.

24 6. A further Case Management Conference is currently set for September 24, 2010.
25 The Parties further request the court advance the date for the Further Case Management
26 Conference to set new deadlines for completion of fact and expert discovery and hearings on
27 Daubert Motions and other dates as may be appropriate in light of the addition of new parties to
28 the action.

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IT IS SO STIPULATED.

Dated: February 26, 2010

ROPER, MAJESKI, KOHN & BENTLEY

By: 

JAMES C. HYDE
JULIAN PARDO de ZELA
MYLAN INC., MYLAN
PHARMACEUTICALS INC., MYLAN
TECHNOLOGIES INC.

Dated: February 26, 2010

MAGANA, CATHCART & MCCARTHY

By: 

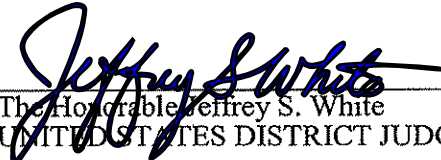
CHARLES MILLER
ERIC D. PEARSON
JAMES CRAIG ORR, JR.
MICHAEL HEYGOOD
Attorneys for Plaintiffs

ORDER

Pursuant to the Stipulation above and good cause appearing therefore, Plaintiffs are granted leave to file their Second Amended Complaint, a copy of which is attached hereto as Exhibit A and the deadlines for completion of fact and expert discovery and hearing of Daubert Motions are vacated. The Further Case Management Conference set for September 24, 2010 is reset for April 30, 2010 at 1:30 p.m.

IT IS SO ORDERED.

Dated: March 1, 2010


The Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE