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5 Attorneys for Defendants  
 6 ACCREDO HEALTH GROUP, INC.,  
 MEDCO HEALTH SOLUTIONS, INC.,  
 7 SMITHS MEDICAL ASD, INC.  
 formerly known as  
 8 SMITHS MEDICAL MD, INC.

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

13 TAMARA MAYNARD, JOSEPH MAYNARD, ) CASE NO. 3:09-cv-04564-JL  
 14 and SEAN MAYNARD, )  
 ) (Removed from San Francisco County  
 15 Plaintiffs, ) Superior Court - Case No. CGC-09-  
 vs. ) 484970)  
 16 )  
 17 ACCREDO THERAPEUTICS, INC., ) Assigned: Hon. Magistrate Judge  
 DELTEC, INC., and DOES 1 through 50, ) James Larson  
 18 inclusive, ) Department: Courtroom F, Fl. 15  
 )

19 Defendants. ) **DEFENDANTS' AMENDED NOTICE**  
 20 ) **OF MOTION FOR SANCTIONS FOR**  
 21 ) **PLAINTIFFS' FAILURE TO APPEAR**  
 22 ) **AT INITIAL CASE MANAGEMENT**  
 23 ) **CONFERENCE**

24 ) **[Request for Sanctions in the Amount**  
 25 ) **of \$3,000 pursuant to F.R.C.P. 16(f)**  
 26 ) **and 28 U.S.C. § 1927]**

27 ) Action Filed: February 13, 2009

28 ) Date: March 3, 2010

) Time: **9:30 a.m.**

) Ctrm: Courtroom F, Fl. 15

**TO THE COURT AND ALL PARTIES OF RECORD HEREIN:**

PLEASE TAKE NOTICE that on Wednesday, March 3, 2010 at **9:30 a.m.** in Courtroom F, 15th Floor, 450 Golden Gate Ave., San Francisco, CA 94102 Defendants Accredo Health Group, Inc., Medco Health Solutions, Inc., and Smiths Medical ASD, Inc. (hereinafter "Defendants") will move for the imposition of \$3,000 in sanctions against Plaintiffs and their Counsel for their failure to appear at the initial case management conference. This sum represents the costs and attorneys fees incurred by Defendants in relation to Defense counsel's appearance. **Counsel further requests permission to attend the hearing (should oral argument be permitted) via telephone.**

DATED this 2nd day of February, 2010.

BOWMAN AND BROOKE LLP

By: /s/Jenny A. Covington  
Jenny A. Covington  
California Bar No. 233625  
150 S. Fifth Street, Suite 3000  
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Attorneys for Defendants  
ACCREDITO HEALTH GROUP, INC.,  
MEDCO HEALTH SOLUTIONS, INC.,  
SMITHS MEDICAL ASD, INC. formerly  
known as SMITHS MEDICAL MD, INC.

Counsel for Defendants may appear by telephone. Counsel should contact Wings Hom, Courtroom Deputy at (415) 522-2046, to provide a telephone number. The Court will place the call.

DATED: February 10, 2010



**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that on February 2, 2010 a true and correct copy of the foregoing was filed with the Clerk of the United States District Court for the Northern District using the CM/ECF system. All parties of record herein are registered with U.S.D.C. Northern District ECF, which will provide notice to the following counsel of record:

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/s/ Jenny A. Covington  
Jenny A. Covington