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12 Attorneys for Plaintiff ALZHEIMER’S INSTITUTE OF AMERICA, INC.

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 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17 ALZHEIMER’S INSTITUTE OF
 AMERICA, INC.

18 Plaintiff,

19 v.

20 ELAN PHARMACEUTICALS, INC.,
 21 ELI LILLY AND COMPANY, and THE
 JACKSON LABORATORY,

22 Defendants

Case No. 3:10-cv-00482- EDL

**STIPULATED REQUEST FOR ORDER
 CHANGING TIME FOR OPPOSITION
 TO AND REPLY IN SUPPORT OF
 DEFENDANTS ELAN AND ELI
 LILLY’S JOINT MOTION TO
 COMPEL SIMULTANEOUS
 PRODUCTION [D.N. 164];
 DECLARATION OF BERRIE R.
 GOLDMAN IN SUPPORT;
 [PROPOSED] ORDER**

[Filed Pursuant to L.R. 6-2]

Date: May 31, 2011
 Time: 9:00 a.m.
 Courtroom: E, 15th Floor

Magistrate Judge Elizabeth D. Laporte

1 Pursuant to Civil L.R. 6-2, Plaintiff Alzheimer’s Institute of America, Inc. (“AIA”) and
2 Defendants Elan Pharmaceuticals, Inc. and Eli Lilly and Company (collectively, “Defendants”)
3 submit this stipulated request for an order changing the time for AIA’s opposition to and
4 Defendants’ reply in support of Defendants Elan and Eli Lilly’s Joint Motion to Compel AIA’s
5 Simultaneous Production of its Disclosures, Discovery Responses, and Expert Reports in Pending
6 Actions (Docket No. 164) (“Motion”).

7 Defendants filed their Motion on April 1, 2011, noticing a hearing before this Court on
8 May 31, 2011. The parties are actively working toward a consent order that would resolve the
9 issues presented in Defendants’ Motion. While those discussions continue, the parties agree that
10 the time for AIA to respond to Defendants’ Motion shall be extended until noon PDT on Friday,
11 May 13, 2011. The parties further agree that Defendants’ time to file a reply in support of their
12 Motion shall be extended until Wednesday, May 18, 2011. The parties do not request a
13 continuance of the hearing scheduled for May 31, 2011.

14 The parties respectfully request this Court to enter an order changing time as described
15 above.

16 Respectfully submitted,

17 Dated: May 10, 2011

BRYAN CAVE LLP

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By: /s/ Berrie R. Goldman
Berrie R. Goldman

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Attorneys for Plaintiff
ALZHEIMER’S INSTITUTE OF AMERICA, INC.

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22 Dated: May 10, 2011

**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.**

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By: /s/ Robert F. McCauley, III
Robert F. McCauley, III

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1 **DECLARATION OF BERRIE GOLDMAN IN SUPPORT OF STIPULATED REQUEST**

2 I, Berrie R. Goldman, declare as follows:

3 1. I am an attorney licensed to practice before this Court and all courts of the State of
4 California. I am an associate with Bryan Cave LLP, counsel for Alzheimer’s Institute of America,
5 Inc. (“AIA”) in the above-referenced action.

6 2. The contents of this declaration are based upon my personal knowledge and are
7 true and correct to the best of my knowledge and belief. If called to testify, I could and would
8 testify thereto.

9 3. AIA and Defendants Elan Pharmaceuticals, Inc. and Eli Lilly and Company
10 (collectively, “Defendants”) are actively working toward a consent order that would resolve the
11 issues presented by Defendants in their Joint Motion for Simultaneous Production (D.N. 164).
12 While the parties continue to progress toward an agreement, a short extension of the briefing
13 schedule would avoid unnecessary expenditure of resources.

14 4. Counsel for Defendants have stipulated to the requested extension of time.

15 5. This Court previously granted Lilly’s Unopposed Motion to Change Time to
16 Respond to the First Amended Complaint, extending each defendants’ time to answer or otherwise
17 respond by 90 days and continuing the Case Management Conference from May 14, 2010 to
18 August 12, 2010 (Docket No. 26). The Case Management Conference was subsequently
19 continued to October 22, 2010 pursuant to stipulation and order (Docket No. 84). A further Case
20 Management Conference was also continued for one week pursuant to stipulation and order
21 (Docket No. 125). The Court has also granted requests for orders changing the time for opposition
22 and reply to Lilly’s Motion to Sever and Transfer (Docket No. 94) and Defendant Immuno-
23 Biological Laboratory’s Motion to Dismiss (Docket No. 96).

24 6. The requested time modification will not affect the schedule for the case, other than
25 the briefing schedule for Defendants’ Motion.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

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4 Dated: May 10, 2011

5 By: _____ /s/ *Berrie R. Goldman*
6 Berrie R. Goldman

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~~PROPOSED~~ ORDER

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that the Stipulated Request of Plaintiff Alzheimer’s Institute of America, Inc. (“AIA”) and Defendants Elan Pharmaceuticals, Inc. and Eli Lilly and Company (collectively, “Defendants”) is **GRANTED**.

AIA shall file its Opposition to Defendants’ Joint Motion to Compel Simultaneous Production (D.N. 164) by noon PDT on Friday, May 13, 2011. Defendants shall file a reply in support of their Motion, if any, by Wednesday, May 18, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 12, 2011



Hon. Elizabeth D. Laporte,
Magistrate Judge,
U.S. District Court for the Northern
District of California