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

13
 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 DEFENDANT ELAN MOTION TO
 COMPEL NON-PRIVILEGED AND
 NON-IMMUNE DOCUMENTS FROM
 AIA**

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

Date: September 6, 2011
 Time: 4:15 p.m.
 Courtroom: F, 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 Defendant Elan Pharmaceuticals, Inc. (“Elan”) submit this stipulated request for an order changing
3 the time for AIA’s opposition to Elan’s Motion to Compel Non-Privileged and Non-Immune
4 Documents from AIA (Docket No. 205) (“Motion”).

5 Elan filed its Motion on July 28, 2011, noticing a hearing before this Court on August 30,
6 2011. On August 11, 2011, the Court entered an Order modifying the hearing date to September
7 6, 2011 (Docket No. 222). The parties agree that the time for AIA to respond to Elan’s Motion
8 shall be extended until Tuesday, August 16, 2011, and that Elan’s reply shall then be due on
9 Tuesday, August 23, 2011. The parties do not request a continuance of the hearing scheduled for
10 September 6, 2011.

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

13 Respectfully submitted,

14 Dated: August 11, 2011

BRYAN CAVE LLP

15 By: /s/ Lee Marshall
16 Lee Marshall

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

19 Dated: August 11, 2011

DICKSTEIN SHAPIRO LLP

20 By: /s/ Katie J.L. Scott
21 Katie J.L. Scott

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Attorneys for Defendant
ELAN PHARMACEUTICALS, INC.

1 **DECLARATION OF LEE MARSHALL IN SUPPORT OF STIPULATED REQUEST**

2 I, Lee Marshall, declare as follows:

3 1. I am an attorney admitted to practice before this Court and all courts of the State of
4 California. I am a partner 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 has been diligently preparing its memorandum in opposition to Elan’s Motion
10 to Compel Non-Privileged and Non-Immune Documents from AIA (Docket No. 205) (“Motion”).
11 However, AIA requires a brief extension of time in which to finalize its opposition because (i) the
12 Bryan Cave attorney who primarily communicated with Elan’s counsel on the issues that are the
13 subject of the Motion is out of the office for the week of August 8, (ii) I was preparing for and
14 arguing a significant summary judgment motion in the Eastern District of Pennsylvania on August
15 10, 2011, and (iii) AIA and its counsel are preparing for a deposition to be conducted in this case
16 on August 15, 2011.

17 4. Counsel for Elan has stipulated to the requested extension of time.

18 5. This Court previously granted Lilly’s Unopposed Motion to Change Time to
19 Respond to the First Amended Complaint, extending each defendants’ time to answer or otherwise
20 respond by 90 days and continuing the Case Management Conference from May 14, 2010 to
21 August 12, 2010 (Docket No. 26). The Case Management Conference was subsequently
22 continued to October 22, 2010 pursuant to stipulation and order (Docket No. 84). A further Case
23 Management Conference was also continued for one week pursuant to stipulation and order
24 (Docket No. 125). The Court has also granted requests for orders changing the time for opposition
25 and reply to Lilly’s Motion to Sever and Transfer (Docket No. 94), Defendant Immuno-Biological
26 Laboratory’s Motion to Dismiss (Docket No. 96), and Defendants’ Joint Motion for Simultaneous
27 Production (Docket No. 175).

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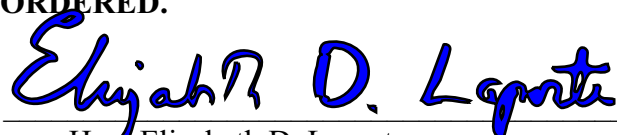
~~PROPOSED~~ ORDER

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

AIA shall file its Opposition to Motion to Compel Non-Privileged and Non-Immune Documents from AIA (Docket No. 205) by Tuesday, August 16, 2011. Elan shall file any Reply by Tuesday, August 23, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 11, 2011



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