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17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 BARTON SPINDLER, DEBORAH)
 21 UNDERWOOD and VALERIE BURKS,)
)
 22 Plaintiffs,)
)
 v.)
)
 23 JOHNSON & JOHNSON CORP.,)
 24 OMNICARE, INC., and DOES 1-10.,)
 Inclusive.)
)
 25 Defendants.)
 26)
 _____)

Case No. CV-10-1414-JSW

Hon. Jeffrey S. White

JOINT STIPULATION AND [PROPOSED ORDER] RE: BRIEFING, HEARING, AND CASE MANAGEMENT CONFERENCE SCHEDULE

JOINT STIPULATION

WHEREAS plaintiffs Barton Spindler, Deborah Underwood and Valerie Burks and defendants Johnson & Johnson and Omnicare, Inc. (the “parties”) have agreed to a briefing, hearing, and case management conference schedule,

NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the parties, by and through their undersigned counsel, to set the briefing, hearing, and case management conference schedule as follows:

1. Defendant J & J shall re-file the motion to dismiss it filed on September 7, 2010 (ECF No. 49), which motion shall include the new case number suffix “JSW”.
2. Defendant Omnicare shall re-file the motion to dismiss it filed on September 7, 2010 (ECF No. 47), which motion shall include the new case number suffix “JSW”.
3. Plaintiffs shall file their opposition to Defendants’ motions to dismiss on or before October 28 ~~November 5~~, 2010.
4. Defendants shall file their replies in support of their motions to dismiss on or before November 3 ~~November 19~~, 2010.
5. The motions to dismiss shall be heard on December 3, 2010 at 9 a.m.
6. The Case Management Conference shall be on December 3, 2010 at 9 a.m.
7. The Case Management Statement shall be due on November 19, 2010.
8. The parties respectfully submit this stipulation regarding the briefing, hearing, and case management conference schedule.

Dated: September 30, 2010

Respectfully Submitted,

GIRARDI | KEESE

By: /s/ Thomas V. Girardi
Thomas V. Girardi
Attorneys for Plaintiffs

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SIDLEY AUSTIN LLP

By: /s/ Samuel R. Miller
Samuel R. Miller
Attorneys for Defendant Johnson & Johnson

DEWEY & LEBOEUF LLP

By: /s/ Aldo A. Badini
Aldo A. Badini
Attorneys for Defendant Omnicare, Inc.

SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby attest that I have on file written permission to sign this joint motion from all parties whose signatures are indicated by a conformed signature (/s/) within this e-filed document.

Dated: September 30, 2010

SIDLEY AUSTIN LLP

By: /s/ Samuel R. Miller
Samuel R. Miller
Attorneys for Defendant Johnson & Johnson

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9 *Counsel for Defendant Omnicare, Inc.*

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[PROPOSED] ORDER

The Court hereby vacates the previously assigned dates for the case management conference and case management statement. The parties shall adhere to the schedule set forth in the Joint Stipulation Regarding Briefing, Hearing and Case Management Conference Schedule, as modified.

PURSUANT TO STIPULATION, ~~IT IS SO ORDERED~~. AS MODIFIED, IT IS SO ORDERED.

Dated: October 5, 2010



THE HONORABLE JEFFREY S. WHITE
United States District Judge

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