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8 Attorneys for Defendant
 McKESSON CORPORATION

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

13 STATE OF UTAH,
 14 Plaintiff,
 15 v.
 16 MCKESSON CORPORATION,
 17 Defendant.

Case No. CV-10-4743 SI

**STIPULATION AND
 [PROPOSED] ORDER
 WITHDRAWING MOTION TO
 DISMISS AND SETTING
 BRIEFING AND HEARING
 SCHEDULE REGARDING
 AMENDED COMPLAINT**

19 Pursuant to Civil Local Rule 6-2 for the Northern District of California, Defendant
 20 McKesson Corporation (“McKesson”) and Plaintiff State of Utah (“Utah”), by and through their
 21 undersigned attorneys, stipulate and request a time modification as follows:

22 WHEREAS, on December 22, 2010, McKesson filed its motion to dismiss the Complaint
 23 in the above referenced matter (*see* Docket No. 14);

24 WHEREAS, on January 11, 2011, Utah filed an Amended Complaint (*see* Docket
 25 No. 19);
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1 WHEREAS, the parties agree that the Amended Complaint moots McKesson's pending
2 motion to dismiss and that the hearing on McKesson's pending motion to dismiss currently
3 scheduled for February 11, 2011 at 9:00 a.m. should be taken off calendar;

4 WHEREAS, the parties desire to enter into an agreed briefing and hearing schedule
5 concerning McKesson's response to Utah's Amended Complaint;

6 WHEREAS, the Court previously re-scheduled the case management conference in this
7 action to coincide with the February 11, 2011 hearing date on McKesson's motion to dismiss the
8 Complaint (*see* Docket No. 18);

9 WHEREAS, the parties agree that it is in the interest of orderly case management to re-
10 schedule the case management conference in this action to coincide with the hearing date on
11 McKesson's motion to dismiss the Amended Complaint; and,

12 WHEREAS, pursuant to Local Rule 6-2(a)(2), the parties state that the only previous time
13 modifications in this action were: (1) the stipulated extension of time for McKesson to respond to
14 the original Complaint (*see* Docket No. 7); and (2) the stipulated modification of the time for
15 Utah to oppose McKesson's motion to dismiss the original Complaint and for McKesson to file
16 its reply brief in support of its motion to dismiss the original Complaint (*see* Docket No. 17),
17 which the Court granted by Order dated January 10, 2011 (*see* Docket No. 18);

18 NOW THEREFORE, SUBJECT TO COURT APPROVAL, THE PARTIES HEREBY
19 STIPULATE AND AGREE, through their counsel of record, as follows:

20 1. McKesson HEREBY WITHDRAWS its motion to dismiss Utah's original
21 Complaint (Docket No. 14);

22 2. The hearing on McKesson's motion to dismiss currently set for February 11, 2011 at
23 9:00 a.m. shall be taken off calendar;

24 3. McKesson shall have until February 11, 2011 to file its motion to dismiss Utah's
25 Amended Complaint;

26 4. Utah shall file its opposition to McKesson's motion to dismiss the Amended
27 Complaint on or before March 4, 2011;

1 5. McKesson shall file its reply in support of its motion to dismiss the Amended
2 Complaint on or before March 18, 2011;

3 6. The hearing on McKesson's motion to dismiss the Amended Complaint shall be held
4 on April ~~1~~⁸, 2011, at 9:00 a.m.; and,

5 7. The case management conference currently scheduled for February 11, 2011 at
6 2:30 p.m. shall be rescheduled to April ~~1~~⁸, 2011, at 2:30 p.m., to coincide with the hearing date on
7 McKesson's motion to dismiss the Amended Complaint.

8 IT IS SO STIPULATED.

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10 Dated: January 18, 2011

MELVIN R. GOLDMAN
PAUL FLUM
LORI A. SCHECHTER
JAMES P. BENNETT
MORRISON & FOERSTER LLP

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14 By: /s/ Paul Flum
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18 Attorneys for Defendant
McKESSON CORPORATION
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1 Dated: January 18, 2011

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STATE OF UTAH

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.



Dated: _____

Hon. Susan Illston
United States District Judge

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GENERAL ORDER 45 ATTESTATION

I, Paul Flum, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Withdrawing Motion to Dismiss and Setting Briefing Schedule Regarding Amended Complaint. In compliance with General Order 45, X.B., I hereby attest that Jeff D. Friedman has concurred in this filing.

Dated: January 18, 2011

By: /s/ Paul Flum
Paul Flum

Counsel for Defendant
MCKESSON CORPORATION