

1 **BRYAN CAVE LLP**  
 K. Lee Marshall, California Bar No. 277092  
 2 Berrie Goldman, California Bar No. 246061  
 333 Market Street, Suite 2500  
 3 San Francisco, CA 94105  
 Telephone: (415) 675-3400  
 4 Facsimile: (415) 675 3434  
 E-Mail: klmarshall@bryancave.com  
 5 berrie.goldman@bryancave.com

6 **BRYAN CAVE LLP**  
 Ameer Gado  
 7 One Metropolitan Square  
 211 North Broadway, Suite 3600  
 8 St. Louis, MO 63102-2750  
 Telephone: (314) 259-2000  
 9 Facsimile: (314) 259-2020  
 Email: ameer.gado@bryancave.com

10 Attorneys for Plaintiff  
 11 ALZHEIMER'S INSTITUTE OF AMERICA, INC.

12  
 13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 ALZHEIMER'S INSTITUTE OF  
 AMERICA, INC.

16 Plaintiff,

17 v.

18 ELAN PHARMACEUTICALS, INC. and  
 19 ELI LILLY AND COMPANY,

20 Defendants

Case No. 3:12-MC-80055-EDL

(relating to Case No. 2:10-cv-06908-TJS  
 pending in E.D. Pa.)

**STIPULATED REQUEST FOR ORDER  
 CHANGING TIME FOR REPLY IN  
 SUPPORT OF, AND HEARING ON,  
 PLAINTIFF ALZHEIMER'S  
 INSTITUTE OF AMERICA, INC'S  
 MOTION TO COMPEL  
 PRODUCTION OF DOCUMENTS BY  
 ELAN PHARMACEUTICALS, INC.;  
 DECLARATION OF BERRIE R.  
 GOLDMAN; ~~PROPOSED~~ ORDER  
 AS MODIFIED**

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

The Honorable Elizabeth D. Laporte

Date: April 10, 2012  
 Time: 9:00 a.m.  
 Courtroom: E, 15<sup>th</sup> Floor

1 Pursuant to Civil L.R. 6-2, Alzheimer’s Institute of America, Inc. (“AIA”) and Elan  
2 Pharmaceuticals, Inc. (“Elan”) submit this stipulated request for an order setting a shortened time  
3 for the reply and hearing on AIA’s Motion to Compel Production of Documents Pursuant to  
4 Subpoena Issued to Elan Pharmaceuticals, Inc. (“Motion”).

5 AIA filed its Motion on February 21, 2012, noticing a hearing on the Motion for March 30,  
6 2012. Elan’s opposition is due on March 6, 2012.

7 The matter was originally assigned to the Honorable Susan Illston. On February 23, 2012,  
8 Elan filed a Motion to Relate Case in Case No. 3:10-cv-00482-EDL (N.D. Cal.), seeking to relate  
9 the present action to that matter. AIA consented to the relating of the cases, subject to this Court’s  
10 power to remit the matter for resolution by the Court presiding over the underlying action. On  
11 February 27, 2012, the Court entered an order relating the cases and this matter was subsequently  
12 reassigned to the Honorable Elizabeth D. Laporte. Pursuant to the Court’s rules, AIA is re-  
13 noticing the hearing on its Motion for April 10, 2012.

14 The underlying action in this matter, *AIA v. Avid Radiopharmaceuticals, Inc., et al.*  
15 pending in the United States District Court for the Eastern District of Pennsylvania as Case No.  
16 10-06908, is set for trial on April 10, 2012, with pretrial proceedings beginning the week of April  
17 2, 2012. In light of the imminent trial date in the underlying action, AIA and Elan respectfully  
18 request this Court reschedule the hearing on AIA’s Motion for March 13, 2012 at 9:00 a.m.

19 In order to expedite this matter, AIA has agreed to file any reply on the day after Elan files  
20 its opposition. Accordingly, AIA and Elan further request that AIA’s reply shall be filed by  
21 March 7, 2012.

22 AIA and Elan respectfully request this Court to enter an order changing time as described  
23 above.

24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: February 29, 2012

Respectfully submitted,

**BRYAN CAVE LLP**

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

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

Dated: February 29, 2012

**DICKSTEIN SHAPIRO LLP**

By: /s/ Deborah E. Fishman  
Deborah E. Fishman

Deborah E. Fishman (SBN 197584)  
Katie J.L. Scott (SBN 233171)  
Assad H. Rajani (SBN 251143)  
Jessica L. Hubley (SBN 260672)  
**DICKSTEIN SHAPIRO LLP**  
700 Hansen Way  
Palo Alto, CA 94304  
Telephone: (650) 632-4340  
Facsimile: (650) 632-4333  
Email: fishmand@dicksteinshapiro.com  
scottk@dicksteinshapiro.com  
rajaniam@dicksteinshapiro.com  
hubleyj@dicksteinshapiro.com

Attorneys for Third-Party Respondent  
ELAN PHARMACEUTICALS, INC.

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

I, Berrie R. Goldman, declare as follows:

1. I am an attorney licensed to practice before this Court and all courts of the State of California. I am an associate with Bryan Cave LLP, counsel for Alzheimer’s Institute of America, Inc. (“AIA”) in the above-referenced action and the underlying action *AIA v. Avid Radiopharmaceuticals, Inc., et al.* (E.D Pa. Case No. 10-06908).

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

3. The underlying action currently pending in the Eastern District of Pennsylvania (Case No. 10-06908) is set for trial before the Honorable Timothy Savage commencing on April 10, 2012, with pretrial proceedings beginning the week of April 2, 2012.. In light of the imminent trial scheduled in the underlying action, AIA seeks an order shortening the briefing schedule and time for hearing.

4. Counsel for Elan Pharmaceuticals, Inc., respondent to the subpoena issued by this Court in the underlying action, stipulated to the requested change in time.

5. The Court has not previously granted any requests to change time in this matter and will not affect any other deadlines.

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

Dated: February 29, 2012

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

~~[PROPOSED]~~ ORDER

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

AIA shall file a reply in support of its Motion, if any, by March 7, 2012. The hearing on AIA’s Motion shall be held on ~~March 13, 2012 at 9:00 a.m. [or thereafter at the Court’s convenience]~~ March 20, 2012 at 10:00 a.m. in Courtroom E.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: February 29, 2012

