

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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5 NICOLE BAKER,

6 Plaintiff,

7 v.

8 BAYER HEALTHCARE
9 PHARMACEUTICALS, INC.,

10 Defendant.

NO. C13-0490 TEH

ORDER STAYING CASE

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12 Defendant Bayer Healthcare Pharmaceuticals, Inc. has noticed a motion to dismiss
13 and motion to strike for hearing on April 8, 2013. The parties subsequently filed a
14 stipulation and proposed order to extend the briefing schedule.

15 Although the parties have not notified the Court of any related proceedings, it has
16 come to the Court's attention that Plaintiff Nicole Baker has notified the Judicial Panel on
17 Multidistrict Litigation ("JPML") that this case is potentially related to Multidistrict
18 Litigation ("MDL") Docket No. 2434, *In re: Mirena IUD Products Liability Litigation*. The
19 JPML is scheduled to hear a motion to transfer these cases on March 21, 2013.

20 With good cause appearing, IT IS HEREBY ORDERED that this case is STAYED
21 pending the JPML's consideration of the transfer motion in the interests of judicial economy
22 and because it does not appear that a stay will cause prejudice to either party. *See Landis v.*
23 *N. Am. Co.*, 299 U.S. 248, 254-55 (1936) (courts have inherent power to control their own
24 dockets, including the power to stay proceedings in the interests of judicial economy); *In re*
25 *Apple iPhone Application Litig.*, Case No. 10-CV-05878-LHK, 2011 WL 2149102, at *2
26 (N.D. Cal. May 31, 2011) (factors courts consider when weighing a stay include
27 "(1) conserving judicial resources and avoiding duplicative litigation; (2) hardship and
28 inequity to the moving party if the action is not stayed; and (3) potential prejudice to the

1 non-moving party”). Accordingly, the briefing schedule and hearing date on Defendant’s
2 pending motion to dismiss are hereby vacated.

3 If the JPML does not transfer this case to the MDL court, then Defendant shall
4 re-notice its motion for a date at least five weeks from the date of the re-notice. Plaintiff’s
5 opposition will be due two weeks from the date of the re-notice, and Defendant’s reply will
6 be due three weeks from the date of the re-notice.

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8 **IT IS SO ORDERED.**

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10 Dated: 03/12/13



11 THELTON E. HENDERSON, JUDGE
12 UNITED STATES DISTRICT COURT

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