

1 William M. Audet (SBN: 117456)  
 Mark E. Burton, Jr. (SBN: 178400)  
 2 Jill T. Lin (SBN: 284962)  
 AUDET & PARTNERS, LLP  
 3 221 Main Street, Suite 1460  
 4 San Francisco, California 94105  
 Telephone: 415.568.2555  
 5 Facsimile: 415.568.2556

6 *Attorneys for Plaintiff Nicole Baker*

7 Alicia J. Donahue, SBN 117412  
 Amir Nassihi, SBN 235936  
 8 SHOOK, HARDY & BACON L.L.P.  
 One Montgomery, Suite 2700  
 9 San Francisco, California 94104  
 Telephone: 415.544.1900  
 10 Facsimile: 415.391.0281

11 *Attorneys for Defendant*  
 BAYER HEALTHCARE  
 12 PHARMACEUTICALS INC.

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION

17 NICOLE BAKER,  
 18 Plaintiff,  
 19 v.  
 20 BAYER HEALTHCARE  
 PHARMACEUTICALS, INC.,  
 21 Defendant.  
 22

Case No. 3:13-cv-00490-TEH

**STIPULATION AND [~~PROPOSED~~]  
 ORDER TO CONTINUE CASE  
 MANAGEMENT CONFERENCE**

Honorable Thelton E. Henderson

23  
 24 Pursuant to Paragraph 4 of the Civil Standing Orders of the Honorable Thelton E. Henderson  
 25 and Rule 7-12 of the Civil Local Rules for the United States District Court for the Northern District  
 26 of California, Plaintiff Nicole Baker (“Plaintiff”) and Defendant Bayer HealthCare Pharmaceuticals  
 27 Inc. (“Defendant”) (collectively referred to as the “Parties”) through their respective counsel hereby  
 28

1 submit this stipulated request to continue the August 18, 2014 case management conference in this  
2 matter to October 14, 2014, or any other later date convenient for the Court's calendar.

3 This stipulated request is based upon the fact that Parties are still working on resolving the  
4 issues discussed at the prior May 19, 2014 Case Management Conference, and indeed recently  
5 resolved much of the issues in dispute and are thus in the process of obtaining additional materials as  
6 a result of those agreements.

7 Specifically, on June 11, 2014, the Parties' submitted a Joint Discovery Letter outlining each  
8 side's position regarding Plaintiff's complaints concerning Defendant's production of documents as  
9 it relates to adverse event reports and sales call notes. (Dkt. 50) On June 16, 2014, the Court issued  
10 an order terminating the Joint Discovery Letter Brief, and ordered the parties to meet and confer in  
11 the manner set forth in the Court's General Standing Order, and to file an updated joint letter that  
12 identifies the specific requests for production at issue. (Dkt. 51)

13 At a July 29, 2014 meet and confer on this issue, the Parties resolved their dispute over  
14 Defendant's production of adverse event reports. The dispute concerning Defendant's production of  
15 sales call notes will soon be re-presented to the discovery referral Magistrate, Honorable Kandis  
16 Westmore.

17 Separately, on July 17, 2014, the Parties were able to resolve a significant part of their  
18 dispute concerning Defendant's collection of Plaintiff's medical records. As a result, Defendant has  
19 re-served records subpoenas for collection of Plaintiff's medical records.

20 Parties believe that a Case Management Conference would be more productive and that  
21 Parties would be better positioned to meet and confer on proposed pretrial deadlines after Parties  
22 have obtained the sought after records or otherwise addressed their discovery disagreements.  
23 Accordingly, the Parties respectfully request that this Court continue the August 18, 2014 case  
24 management conference.

25 //

26 //

27

28

1 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the Parties through  
2 their respective attorneys of record that:

- 3 1. The August 18, 2014 case management conference is continued to October 14, 2014, or  
4 to a later date convenient the Court's calendar; and

5  
6 Dated: August 6, 2014

By: /s/ Jill T. Lin  
Jill T. Lin

7 Attorneys for Plaintiff  
8 Nicole Baker

9  
10 Dated: August 6, 2014

By: /s/ Alicia J. Donahue  
Alicia J. Donahue

11 Attorneys for Defendant  
12 Bayer HealthCare Pharmaceuticals Inc.

13  
14  
15 Pursuant to L.R. 5-11(i)(3), I attest that concurrence in the filing of this document has been obtained  
16 from the other signatories.

17 By: /s/ Alicia J. Donahue  
18 Alicia J. Donahue

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

The Court hereby orders that the case management conference currently set for August 18, 2014 is continued to October 6, 2014, at 1:30 p.m. The relevant deadlines under Rule 26 of the Federal Rules of Civil Procedure and Civil Local Rule 16-9 are continued to track the new date for the case management conference.

IT IS SO ORDERED.

Dated: 08/11/2014

  
\_\_\_\_\_  
THE HONORABLE THELTON E. HENDERSON  
U.S. DISTRICT COURT JUDGE