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GlaxoSmithKline) and McKesson Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SANTIAGO FLORES, et al.,

Plaintiffs,

vs.

MCKESSON CORPORATION, et al.,

Defendants.

Case No. 3:13-cv-03153-JST

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
DEFENDANTS TO ANSWER
COMPLAINT**

Honorable Jon S. Tigar

JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER

Plaintiffs in this action, Defendant GlaxoSmithKline LLC, (f/k/a SmithKline Beecham Corporation d/b/a GlaxoSmithKline) (“GSK”) and Defendant McKesson Corporation (“McKesson”), hereby submit, through their undersigned counsel of record, the following Stipulation and accompanying [Proposed] Order.

WHEREAS, Pursuant to Federal Rule of Civil Procedure 81(c)(2), Defendants GSK, and McKesson (collectively, “Defendants”) have not yet answered the Plaintiffs’ Complaint prior to removal of this case from San Francisco Superior Court on July 9, 2013. Defendants have 21 days after “receiving--through service or otherwise--a copy of the initial pleading stating the claim for relief” and therefore have 21 days to Answer Plaintiffs’ Complaint. McKesson was served with Plaintiffs’ Complaint on July 1, 2013. GSK has not been served with Plaintiffs’ Complaint. GSK intends to file a Motion to Stay. Plaintiffs intend to file a Motion to Remand. (See Declaration of Steven J. Boranian (“Borianian Decl.”) in Support of Joint Stipulation Extending Defendants’ time to Answer Complaint ¶ 5)

WHEREAS, the parties, having met and conferred, pursuant to Civil L.R 6-3, jointly stipulate to and respectfully request that this Court extend the time for Defendants to Answer the Complaint until 30 days after entry of an order on Plaintiffs’ Motion to Remand. (See Boranian Decl. ¶ 6)

WHEREAS, the parties agree that good cause exists for the requested extension of time in order to serve the interests of judicial economy, efficiency, and fairness. This action will either be remanded to the Superior Court of San Francisco or transferred to the Avandia MDL. Therefore, in order to conserve the resources of the Court and the parties, all parties agree that Defendants’ Answers should ultimately be filed in the San Francisco Superior Court or in the Avandia MDL. (See Boranian Decl. ¶ 7)

WHEREAS, no party to this case has previously requested any time modifications in this action. (See Boranian Decl. ¶ 8)

By the filing of this Joint Stipulation and Proposed Order, the Plaintiffs do not concede, and

1 Defendant will not argue, that the federal courts have subject matter jurisdiction over this action
2 because of the submission of this Joint Stipulation and Proposed Order.

3 WHEREAS, the requested relief would not cause any undue hardship, delay, or prejudice to
4 either party or the Court and is warranted by the circumstances in this case. (See Boranian Decl. ¶ 9)

5
6 DATED: July 18, 2013

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8 Michael K. Brown
9 Sonja S. Weissman
10 Steven J. Boranian

11 By: /s/ Steven J. Boranian
12 Steven J. Boranian
13 Attorneys for Defendants
14 GlaxoSmithKline LLC (formerly known as
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16 GlaxoSmithKline) and McKesson Corporation

17
18 DATED: July 18, 2013

19 NAPOLI BERN RIPKA SHOLNIK &
20 ASSOCIATES LLP

21 By: /s/ Marissa Langhoff
22 Marissa Langhoff
23 Hunter J. Shkolnik
24 Attorneys for Plaintiffs

FILER'S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), the undersigned attests that all signatories have concurred in the filing of this Joint Stipulation And [Proposed] Order Extending Time for Defendants to Answer Plaintiffs' Complaint.

DATED: July 18, 2013

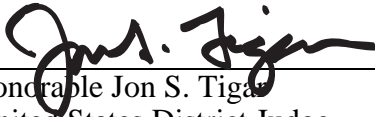
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: July 18, 2013



Honorable Jon S. Tigas
United States District Judge