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A limited liability partnership formed in the State of Delaware

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11 Attorneys for Defendants  
GlaxoSmithKline LLC (formerly known as  
12 SmithKline Beecham Corporation d/b/a  
GlaxoSmithKline) and McKesson Corporation  
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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 SHUKRY MESSIH, et al.,  
17 Plaintiffs,  
18 vs.  
19 MCKESSON CORPORATION, et al.,  
20 Defendants.  
21

Case No. 3:13-cv-03155-SI

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

Honorable Susan Illston

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1 **JOINT STIPULATION AND [PROPOSED] ORDER**

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

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

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

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

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

27 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

7 REED SMITH LLP  
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  
15 SmithKline Beecham Corporation d/b/a  
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

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**EILER'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

REED SMITH LLP  
Michael K. Brown  
Sonja S. Weissman  
Steven J. Boranian

By: /s/ Steven J. Boranian  
Steven J. Boranian  
Attorneys for Defendants  
GlaxoSmithKline LLC (formerly known as  
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**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 7/19/13



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Honorable Susan Illston

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19 MCKESSON CORPORATION, et al.,  
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Case No. 3:13-cv-03155-SI

**DECLARATION OF STEVEN J.  
BORANIAN IN SUPPORT OF JOINT  
STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
DEFENDANTS TO ANSWER  
COMPLAINT**

Honorable Susan Illston

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1 I, Steven J. Boranian, declare:

2 1. I am an attorney duly admitted to practice law in the State of California and a partner  
3 at Reed Smith LLP, counsel for defendant GlaxoSmithKline LLC (“GSK”) and McKesson  
4 Corporation (“McKesson”). I have personal knowledge of the facts set forth in this declaration and  
5 for those matters for which I do not have personal knowledge, I am informed and believe they are  
6 true. I could and would testify to these matters if called as a witness.

7 2. I submit this Declaration in support of a joint request to extend the time for  
8 Defendants to Answer the Complaint until 30 days after entry of an order on a Motion to Remand,  
9 this action which has been removed by GSK into federal court.

10 3. Pursuant to Rule 7.5(c) of the Rules of Procedure of the Judicial Panel on  
11 Multidistrict Litigation (“R.P.J.P.M.D.L.”), GSK provided notice to the JPML of the pendency of  
12 this “tag-along” action on July 16, 2013, so that the process to transfer to the Avandia MDL might  
13 occur

14 4. GSK anticipates that the JPML will soon issue a Conditional Transfer Order,  
15 conditionally transferring this case to the Avandia MDL.

16 5. Prior to GSK’s removal of this action on July 9, 2013, GSK had not been served with  
17 the Complaint. Defendant McKesson was served with the Complaint on July 1, 2013. GSK and  
18 McKesson (collectively, “Defendants”) have not yet answered the Complaint. GSK intends to file a  
19 Motion to Stay. Plaintiffs intend to file a Motion to Remand.

20 6. All parties, having met and conferred, pursuant to Civil L.R 6-3, jointly stipulate to  
21 and respectfully request that this Court extend the time for Defendants to Answer the Complaint  
22 until 30 days after entry of an order on Plaintiffs’ Motion to Remand.

23 7. The parties agree that good cause exists for the requested extension of time in order to  
24 serve the interests of judicial economy, efficiency, and fairness. GSK anticipates that the JPML will  
25 soon issue a Conditional Transfer Order, conditionally transferring this case to the Avandia MDL,  
26 which will be timely opposed by Plaintiffs. Therefore this action will either be remanded to the  
27 Superior Court of San Francisco or transferred to the Avandia MDL. Therefore, in order to conserve  
28

1 the resources of the Court and the parties, all parties agree that the Defendants' Answers should  
2 ultimately be filed in the San Francisco Superior Court or the Avandia MDL.

3 8. No party to this case has previously requested any time modifications in this action.

4 9. Therefore, because this action is unlikely to remain before this Court, the requested  
5 relief would not cause any undue hardship, delay, or prejudice to either party or the Court and is  
6 warranted by the circumstances in this case.

7  
8 I declare under penalty of perjury under the laws of the United States that the foregoing is  
9 true and correct.

10 DATED: July 18, 2013

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12 /s/ *Steven J. Boranian*  
13 Steven J. Boranian

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