

1 **KAPLAN FOX & KILSHEIMER LLP**

2 Laurence D. King (SBN 206423)
3 *lking@kaplanfox.com*
4 Linda M. Fong (SBN 124232)
5 *lfong@kaplanfox.com*
350 Sansome Street, Suite 400
San Francisco, California 94104
Telephone: (415) 772-4700
Facsimile: (415) 772-4707

SIDLEY AUSTIN LLP

Jonathan F. Cohn (*pro hac vice*)
jcohn@sidley.com
Benjamin M. Mundel (*pro hac vice*)
bmundel@sidley.com
1501 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 736.8000
Facsimile: (202) 736.8711

6 **KAPLAN FOX & KILSHEIMER LLP**

7 Robert N. Kaplan (*admitted pro hac vice*)
rkaplan@kaplanfox.com
8 850 Third Avenue, 14th Floor
9 New York, New York 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7714

SIDLEY AUSTIN LLP

Ryan M. Sandrock (SBN 251781)
rsandrock@sidley.com
555 California Street, Suite 2000
San Francisco, CA 94104
Telephone: (415) 772.1200
Facsimile: (415) 772.7400

10 **STANLEY LAW GROUP**

11 Stephen Gardner (*admitted pro hac vice*)
steve@consumerhelper.com
12 Amanda Howell (*admitted pro hac vice*)
ahowell@stanleylawgroup.com
13 6116 N. Central Expy., Ste. 1500
14 Dallas, Texas 75206
Telephone: (214) 443-4300
Facsimile: (214) 443-4316

Attorneys for Defendants Bayer AG, Bayer Corporation, and Bayer HealthCare LLC

15 *Interim Class Counsel*

16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 COLLEEN GALLAGHER, ILANA FARAR,
20 ANDREA LOPEZ, JOANN CORDARO, and
21 ROSANNE COSGROVE, on behalf of
themselves and all others similarly situated,

22 Plaintiffs,

23 v.

24 BAYER AG, BAYER CORPORATION, and
25 BAYER HEALTHCARE LLC,

26 Defendants.

Case No. 14-cv-04601-WHO

**STIPULATION AND
ORDER FOR FURTHER
EXTENSION OF CASE
DEADLINES**

1 Pursuant to Civil Local Rule 6-2, the parties stipulate to and jointly request a short
2 extension of case deadlines and motion hearing date.

3 **Procedural History and Prior Extensions.** An initial case management scheduling
4 order was entered on October 16, 2014. Dkt. 5. By stipulation, the Court entered an
5 amended case management scheduling order on December 22, 2014. Dkt. 38. Following
6 an in person meet and confer, on December 11, 2015 the Court entered a revised briefing
7 and discovery schedule. Dkt. 92.

8 On June 7, 2016, Counsel for Plaintiffs Ilana Farar, Andrea Lopez, and Rosanne
9 Cosgrove (“Plaintiffs”) and Counsel for Defendants Bayer AG, Bayer Corporation, and
10 Bayer HealthCare LLC (collectively, “Bayer”) appeared before the Court telephonically
11 to resolve a discovery dispute concerning the scope of Plaintiffs’ Third Requests for
12 Production. Dkt. 115. As part of its ruling, the Court extended the close of fact discovery
13 from May 9, 2016 until July 9, 2016. *Id.*

14 On July 8, 2016, the parties filed a stipulation and proposed order on discovery
15 and scheduling. Dkt. 119. Pursuant to the stipulation, the Court extended the discovery
16 schedule which included extending the close of fact discovery from July 9, 2016 to
17 September 9, 2016. Dkt. 120.

18 On September 6, 2016, Bayer filed a motion for extension of case deadlines to
19 complete discovery which Plaintiffs did not oppose. Dkt. 124. The Court granted the
20 motion and extended all case deadlines by 60 days.

21 On April 3, 2017, the Court reset deadlines as to the Motion for Summary
22 Judgment Hearing for May 31, 2017 to fall on the law and motion calendar and coincide
23 with the hearing on the Motion for Class Certification.

24 On February 1, 2017, the parties filed a joint stipulation for further extension of
25 case deadlines (Dkt. 132). The purpose of the extension was to permit Bayer to depose
26 Plaintiffs’ expert witness Dr. Blonz on March 8, who was unavailable before then. The
27 date for Bayer’s response to Plaintiffs’ class certification motion was March 13, 2017, and
28 the parties sought an extension of deadlines to provide Bayer with the opportunity to

1 depose Dr. Blonz and with adequate time to prepare its response brief. The Court
2 granted the parties' joint request and moved the Class Certification Response from
3 March 13, to March 24, 2017, Class Certification Reply from April 27 to May 10, 2017 and
4 the Class Certification Hearing from May 17, to May 30, 2017.

5 **Scheduling of Expert Depositions.** On March 24, 2017, Bayer filed its opposition
6 to class certification (Dkt. 135) and a motion for summary judgment ("MSJ") which it set
7 for May 30, 2017 (Dkt. 136). Bayer's filings contained two expert reports, one from
8 Dr. Jeffrey Blumberg (Dkt. 135-3), and the other from Dr. Ran Kivetz (Dkt. 135-4).

9 The parties agreed that Plaintiffs may depose Dr. Blumberg on April 14 in Boston
10 and depose Dr. Kivetz on May 12 in New York.

11 Currently, the date for Plaintiffs' response to the summary judgment motion is
12 due April 7, 2017 [pursuant to Local Rule 7.3(a)] and their reply in support of class
13 certification is May 10, 2017.

14 The Parties have agreed to a short extension of deadlines to allow to Plaintiffs
15 adequate time to depose Bayer's experts and prepare their class certification reply brief
16 and brief in opposition to summary judgment.¹

17 **Requested Extension.** The parties respectfully request that the Court extend the
18 following case deadlines as follows:

	Current date	Requested date
20 Summary Judgment Opposition	April 7, 2017	July 7, 2017
21 Class Certification Reply	May 10, 2017	July 7, 2017
22 Summary Judgment Reply	April 14, 2017	August 7, 2017
23 Hearing on both motions	May 31, 2017	August 23 or later

24
25
26 ¹ Plaintiffs have suggested that they might disclose additional experts. Bayer does not
27 consent or agree to a belated disclosure of an expert and it reserves its rights to oppose
28 any expert retained by Plaintiffs in connection with their MSJ opposition and class
certification Reply.

1 The only effect on the schedule of the case (aside from briefing deadlines) would
2 be to move the hearing on class certification and summary judgment from May 31, 2017
3 to August 23, 2017.

4 DATED: April 7, 2017

5 **KAPLAN FOX & KILSHEIMER LLP**

SIDLEY AUSTIN LLP

6 By: /s/ Laurence D. King
7 Laurence D. King

By: /s/ Jonathan F. Cohn
Jonathan F. Cohn

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lking@kaplanfox.com
9 Linda M. Fong (SBN 124232)
lfong@kaplanfox.com
10 350 Sansome Street, Suite 400
San Francisco, California 94104
11 Telephone: (415) 772-4700
Facsimile: (415) 772-4707

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bmundel@sidley.com
1501 K Street, N.W.
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Telephone: (202) 736.8000
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17 Stephen Gardner (*admitted pro hac vice*)
steve@consumerhelper.com
18 Amanda Howell (*admitted pro hac vice*)
ahowell@stanleylawgroup.com
19 6116 N. Central Expy., Ste. 1500
Dallas, Texas 75206
20 Telephone: (214) 443-4300
Facsimile: (214) 443-4316

21 *Interim Class Counsel*

22
23 **SIGNATURE ATTESTATION**

24 The foregoing Stipulation and Proposed Order complies with Civil Local Rule 5-
25 1(i)(3), I hereby attest that Mr. Cohn has concurred in this filing.

26 Dated: April 7, 2017

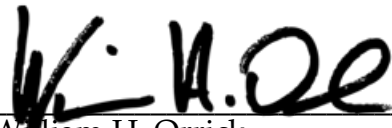
27 /s/ Laurence D. King
28 Laurence D. King

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PURSUANT TO STIPULATION, IT IS ORDERED:

- The Summary Judgment Opposition deadline is extended from April 7, 2017 to July 7, 2017.
- The class certification reply deadline is extended from May 10, 2017 to July 7, 2017.
- The Summary Judgment Reply deadline is extended from April 14, 2017 to August 7, 2017.
- The class certification and summary judgment hearing is continued from May 31, 2017 to August 23, 2017 at 2:00 pm.

Dated: April 10, 2017



William H. Orrick
United States District Judge