

1 John H. Gomez (SBN 171485)
 John P. Fiske (SBN 249256)
 2 Stephanie S. Poli (SBN 286239)
GOMEZ TRIAL ATTORNEYS
 3 655 West Broadway, Suite 1700
 San Diego, California 92101
 4 Telephone: 619-237-3490
 Facsimile: 619-237-3496
 5

6 Attorneys for Plaintiffs

7 Alicia J. Donahue, SBN 117412
adonahue@shb.com
 8 SHOOK, HARDY & BACON L.L.P.
 One Montgomery, Suite 2700
 9 San Francisco, California 94104-4505
 Telephone: 415-544-1900
 10 Facsimile: 415-391-0281

11 Attorneys for Defendants
 Bayer HealthCare Pharmaceuticals Inc.,
 12 Bayer Corporation, and McKesson Corporation

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

17 JOSEPH DESALVO, an individual

18 Plaintiff,

19 v.

20 BAYER HEALTHCARE
 21 PHARMACEUTICALS, INC.; BAYER
 CORPORATION; and MCKESSON
 22 CORPORATION;

23 Defendants.
24

Case No. 3:14-cv-05670-SI

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

Hon. Susan Illston
 Date: April 10, 2015
 Time: 2:30pm
 Courtroom 10, 19th Floor

25
26 ///

27 ///

28 ///

1 **STIPULATION**

2 Pursuant to the Case Management Order of the Honorable Susan Illston and Rules 6-2 and 7-12
3 of the Civil Local Rules for the United States District Court for the Northern District of California, the
4 parties, Plaintiff JOSEPH DESALVO and Defendants BAYER HEALTHCARE
5 PHARMACEUTICALS INC., BAYER CORPORATION, and MCKESSON CORPORATION
6 (hereinafter collectively “Defendants”), by and through their attorneys of record, request that the Case
7 Management Conference currently scheduled for April 10, 2015, be continued to July 10, 2015:

8 In support of this request, the parties state:

- 9 1. On December 30, 2014 Plaintiff Joseph DeSalvo commenced this action against Defendants by
10 filing a complaint in the United States District Court for the Northern District of California,
11 case number 3:14-cv-5670 LB. (Docket No.1)
- 12 2. On December 31, 2014 an Initial Case Management Conference was ordered to be held on
13 April 2, 2014 at 11:00 am in Courtroom C, 15th Floor in San Francisco. (Docket No. 3)
- 14 3. On January 30, 2015, this case was reassigned to the Honorable Susan Illston in the San
15 Francisco Division for all further proceedings, vacating all previously scheduled dates and
16 motions. (Docket No. 9)
- 17 4. On February 2, 2015 a Case Management Conference was ordered to be held on April 3, 2015
18 at 2:30 pm in Courtroom No. 10, 19th floor Federal Building in San Francisco. (Docket No. 10)
- 19 5. On March 12, 2015 the Case Management Conference set for April 3, 2014 was continued to
20 April 7, 2015. (Docket No. 23)
- 21 6. On March 24, 2015 the Case Management Conference set for April 7, 2014 was continued to
22 April 10, 2015. (Docket No. 33)
- 23 7. Despite vigorous and repeated attempts to communicate with Plaintiff, Plaintiff will not
24 communicate with Plaintiff’s Counsel. Plaintiff’s Counsel has attempted to communicate with
25 Plaintiff via person, phone, email, mail, and certified mail and has been unable to reach him.
- 26 8. Plaintiff’s Counsel has relayed this information to Defendants’ Counsel as well as their
27 intention to withdraw as Counsel from this case.

1 9. On April 7, 2015 Plaintiff's Counsel spoke with the clerk of this Court and indicated their
2 intent to withdraw as Counsel from this case and wish to continue the Case Management
3 Conference. Plaintiff's Counsel was directed to file with Defendants this joint stipulation
4 requesting a continuance of the Case Management Conference.

5 10. The parties respectfully request the Court continue the Case Management Conference to July
6 10, 2015.

7 **IT IS HEREBY STIPULATED,**

8 DATED: April 8, 2015

GOMEZ TRIAL ATTORNEYS

9 BY: /s/ Stephanie S. Poli

10 John Gomez

11 John P. Fiske

12 Stephanie S. Poli

13 Attorneys for Plaintiff

14 DATED: April 8, 2015

SHOOK, HARDY & BACON LLP

15 By: /s/ Alicia J. Donahue

16 Alicia J. Donahue

17 Attorneys for Defendants

18 Bayer HealthCare Pharmaceuticals Inc.,

19 Bayer Corporation, and McKesson Corporation

20 Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained
21 from the other signatories.

22 By: /s/ Alicia J. Donahue

23 Alicia J. Donahue

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: 4/9/15

26 

27 THE HONORABLE SUSAN ILLSTON
28 UNITED STATES DISTRICT JUDGE

1 John H. Gomez (SBN 171485)
John P. Fiske (SBN 249256)
2 Stephanie S. Poli (SBN 286239)
GOMEZ TRIAL ATTORNEYS
3 655 West Broadway, Suite 1700
San Diego, California 92101
4 Telephone: 619-237-3490
Facsimile: 619-237-3496
5

6 Attorneys for Plaintiff
7
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 JOSEPH DESALVO, an individual

13 Plaintiff,

14 v.

15 BAYER HEALTHCARE
16 PHARMACEUTICALS, INC.; BAYER
CORPORATION; and MCKESSON
CORPORATION;

17
18 Defendants.
19

Case No. 3:14-cv-05670-SI

**DECLARATION OF STEPHANIE S. POLI
IN SUPPORT OF JOINT STIPULATION
AND [PROPOSED] ORDER TO
CONTINUE CASE MANAGEMENT
CONFERENCE**

Hon. Susan Illston
Date: April 10, 2015
Time: 2:30pm
Courtroom 10, 19th Floor

20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///

1 **DECLARATION OF STEPHANIE S. POLI**

2 I, STEPHANIE S. POLI declare under penalty of perjury of the laws of the United States and the State
3 of California as follows:

- 4 1. I am a member of good standing of the State Bar of California and am one of the attorneys for
5 Plaintiff JOSEPH DESALVO, (“Plaintiff”), in this action. I make this Declaration in Support
6 of the Joint Stipulation and [Proposed] Order to Continue the Case Management Conference.
7 Pursuant to the Case Management Order of the Honorable Susan Illston and Rules 6-2 and 7-12
8 of the Civil Local Rules for the United States District Court for the Northern District of
9 California, the parties Plaintiff and Defendants BAYER HEALTHCARE
10 PHARMACEUTICALS INC., BAYER CORPORATION, and MCKESSON CORPORATION
11 (hereinafter collectively “Defendants”), by and through their attorneys of record, respectfully
12 request that the Case Management Conference currently scheduled for April 10, 2015, be
13 continued to July 10, 2015.
- 14 2. On December 30, 2014 Plaintiff commenced this action against Defendants by filing a
15 complaint in the United States District Court for the Northern District of California, case
16 number 3:14-cv-5670 LB. (Docket No.1)
- 17 3. On December 31, 2014 an Initial Case Management Conference was ordered to be held on
18 April 2, 2014 at 11:00 am in Courtroom C, 15th Floor in San Francisco. (Docket No. 3)
- 19 4. On January 30, 2015, this case was reassigned to the Honorable Susan Illston in the San
20 Francisco Division for all further proceedings, vacating all previously scheduled dates and
21 motions. (Docket No. 9)
- 22 5. On February 2, 2015 a Case Management Conference was ordered to be held on April 3, 2015
23 at 2:30 pm in Courtroom No. 10, 19th floor Federal Building in San Francisco. (Docket No. 10)
- 24 6. On March 12, 2015 the Case Management Conference set for April 3, 2014 was continued to
25 April 7, 2015. (Docket No. 23)
- 26 7. On March 24, 2015 the Case Management Conference set for April 7, 2014 was continued to
27 April 10, 2015. (Docket No. 33)

- 1 8. Despite vigorous and repeated attempts to communicate with Plaintiff, Plaintiff will not
2 communicate with Plaintiff's Counsel. Plaintiff's Counsel has attempted to communicate with
3 Plaintiff via person, phone, email, mail, and certified mail and has been unable to reach him.
4 9. Plaintiff's Counsel has relayed this information to Defendants' Counsel as well as their
5 intention to withdraw as Counsel from this case.
6 10. On April 7, 2015 Plaintiff's Counsel spoke with the clerk of this Court and indicated their
7 intent to withdraw as Counsel from this case and wish to continue the Case Management
8 Conference. Plaintiff's Counsel was directed to file with Defendants this joint stipulation
9 requesting a continuance of the Case Management Conference.
10 11. The parties respectfully request the Court continue the Case Management Conference to July
11 10, 2015.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed on April 8, 2015
13 in San Diego, California.

14 BY: s/ Stephanie S. Poli
15 Stephanie S. Poli
16
17
18
19
20
21
22
23
24
25
26
27
28