

1 ALEXANDER G. CALFO (SBN 152891)
 ACalfo@kslaw.com
 2 JULIA E. ROMANO (SBN 260857)
 JRomano@kslaw.com
 3 STACY L. FOSTER (SBN 285544)
 Stacy.Foster@kslaw.com
 4 **KING & SPALDING LLP**
 5 333 S. Grand Avenue, Suite 4200
 Los Angeles, California 90071
 6 Telephone: (213) 443-4355
 7 Facsimile: (213) 443-4310

8 Attorneys for Defendant
 9 CODMAN & SHURTLEFF, INC.

10 IN THE UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

14 MICHAEL JENSEN,
 15 Plaintiff,
 16 v.
 17 JOHNSON & JOHNSON SERVICES, INC., et.
 18 al.,
 19 Defendants.

Case No. 3:15-cv-02340-WHO
**STIPULATION AND ORDER
 DISMISSING PLAINTIFF’S FAILURE
 TO WARN CLAIMS**

21 WHEREAS on November 30, 2016 defendant CODMAN & SHURTLEFF, INC.
 22 (“Defendant”) filed a Motion for Summary Judgment as to Plaintiff MICHAEL JENSEN’s
 23 (“Plaintiff”) second and third causes of action for failure to warn based on the learned
 24 intermediary doctrine. (Dkt. No. 48.) The Motion is currently set for hearing on January 4,
 25 2017.

26 WHEREAS the parties have met and conferred regarding the Motion and hereby agree
 27 and stipulate as follows:

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

1. Plaintiff agrees to dismiss his failure to warn claims without prejudice.
2. Defendant agrees to withdraw its Motion for Summary Judgment (Dkt. No. 48) as moot.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: December 9, 2016

**WALKUP MELODIA KELLEY &
SCHOENBERGER**

By: /s/ Khaldoun A. Baghdadi

Matthew D. Davis
Khaldoun A. Baghdadi
Doris Cheng
Attorneys for Plaintiff
MICHAEL JENSEN

Dated: December 9, 2016

KING & SPALDING LLP

By: /s/ Julia E. Romano

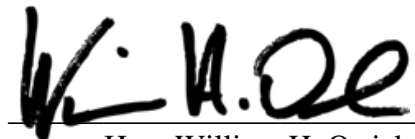
Alexander G. Calfo
Julia E. Romano
Stacy L. Foster
Attorneys for Defendant
CODMAN & SHURTLEFF, INC.

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

ORDER

Pursuant to stipulation, it is hereby ORDERED that Plaintiff MICHAEL JENSEN's Second Cause of Action for Strict Liability Failure to Warn and Third Cause of Action for Negligent Warnings are hereby dismissed without prejudice. Defendant CODMAN & SHURTLEFF, INC.'s Motion for Summary Judgment (Dkt. No. 48) is deemed withdrawn and taken off calendar.

IT IS SO ORDERED.



Hon. William H. Orrick
U.S. District Court