

1 Matthew A. Holian (SBN 211728)  
 2 DLA Piper LLP (US)  
 3 33 Arch Street, 26<sup>th</sup> floor  
 4 Boston, MA 02110-1447  
 5 Telephone: (617) 406-6009  
 6 Facsimile: (617) 406-6109  
 7 Email: [Matt.Holian@dlapiper.com](mailto:Matt.Holian@dlapiper.com)

8 George J. Gigounas (SBN 209334)  
 9 DLA Piper LLP (US)  
 10 555 Mission Street, Suite 2400  
 11 San Francisco, CA 94105-2933  
 12 Telephone: (415) 615-6005  
 13 Facsimile: (415) 659-7305  
 14 Email: [George.Gigounas@dlapiper.com](mailto:George.Gigounas@dlapiper.com)

15 Attorneys for Defendant  
 16 Pfizer Inc.

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN FRANCISCO DIVISION

20 MICHAEL SMITH,

21 Plaintiff,

22 v.

23 PFIZER, INC.

24 Defendant.

Case No.: 3:16-cv-01183-RS

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER CONTINUING DEADLINE TO  
 RESPOND TO COMPLAINT**

1 On December 11, 2015, several Plaintiffs, without opposition, moved the Judicial Panel  
2 on Multidistrict Litigation (“JPML”) to transfer and coordinate 15 actions, including any “tag-  
3 along” actions, in the United States District Court for the Northern District of California,  
4 pursuant to 28 U.S.C. §1407. Defendants agree that coordination is appropriate and that the  
5 Northern District of California is a suitable venue. *See* Case MDL No. 2691, Dkt. 1 through 1-4.

6 On December 28, 2015, with briefing essentially complete in support of Plaintiffs’  
7 unopposed motion to transfer, the parties jointly moved the JPML for expedited consideration of  
8 Plaintiffs’ unopposed motion on the January 28, 2016 hearing session. *See* Case MDL No. 2691,  
9 Dkt. 16.

10 On December 29, 2015, the motion for expedited consideration was denied by the JPML.  
11 *See* Case MDL No. 2691, Dkt. 19. Plaintiffs’ motion to transfer will be heard at the next JPML  
12 hearing, on March 31, 2016 in Santa Barbara.

13 Defendant Pfizer Inc.’s current deadline to respond to the complaint in this matter is  
14 April 5, 2016. The parties have not previously requested an extension of time for any deadlines  
15 in this matter.

16 To avoid unnecessary pleadings and provide the JPML with the time it requires to rule on  
17 the parties’ pending motion to transfer, Defendant Pfizer Inc. and Plaintiff Michael Smith wish to  
18 stipulate to extend Pfizer’s deadline to respond to the Complaint until sixty (60) days after a  
19 ruling by the JPML on Plaintiffs’ motion to transfer.

20 Based on the foregoing and pursuant to Civil L.R. 6-2 of the Northern District of  
21 California, the parties stipulate and agree to extend Pfizer’s deadline to respond to Plaintiff’s  
22 complaint in this matter until sixty (60) days after the JPML rules on Plaintiffs’ motion to  
23 transfer, described above.

24 ////

25 ////

26 ////

27 ////

28 ////





**ORDER**

PURSUANT TO STIPULATION OF THE PARTIES, IT IS ORDERED:

The time for Defendant Pfizer Inc. to respond to Plaintiff's complaint in this action is continued until sixty (60) calendar days after the Judicial Panel on Multidistrict Litigation ("JPML") issues its ruling on Plaintiffs' pending motion to transfer and coordinate 15 actions, including any "tag-along" actions, in the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §1407.

Dated: 3/23, 2016

By:   
\_\_\_\_\_  
Honorable Richard Seeborg  
United States District Court Judge

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