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6 Attorneys for Defendants  
 BAYER CORPORATION,  
 7 BAYER HEALTHCARE LLC,  
 BAYER ESSURE, INC., and BAYER  
 8 HEALTHCARE PHARMACEUTICALS, INC.

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

12	BETH AIGNER, an individual, DOROTHY	)	Case No. 16-cv-3437-WHA
	BARRS, an individual, CYNTHIA BECKETT,	)	
13	an individual, DAWN BRANSCOMBE, an	)	
	individual, JENNIFER BROWN, an individual,	)	<b>STIPULATION AND <del>PROPOSED</del></b>
14	BROOKE CARTER, an individual,	)	<b>ORDER ON BRIEFING SCHEDULE FOR</b>
	SHAUNTA DAUGHERTY, an individual,	)	<b>MOTION TO DISMISS AND MOTION TO</b>
15	DESSIREE FLORES, an individual, KERRI	)	<b>REMAND</b>
	GERKENS, an individual, LORI HADLEY, an	)	
16	individual, REGINA HALL, an individual,	)	
	CHRISSEY JOYNER, an individual, TAMMY	)	
17	LARSON, an individual, BIANCA	)	
	MONINGER, an individual, JESSICA	)	
18	NUNEMAKER, an individual, NANCY	)	
	OZUNA, an individual, SIMONE PADILLA,	)	
19	an individual, DANA PROSSER, an	)	
	individual, ERIKA TREJO, an individual,	)	
20	DEBRA TUCKER, an individual,	)	
		)	
21	Plaintiffs,	)	
		)	
22	vs.	)	
		)	
23	BAYER CORP., an Indiana corporation;	)	
	BAYER HEALTHCARE LLC, a Delaware	)	
24	company; BAYER ESSURE INC. (F/K/A	)	
	CONCEPTUS, INC.), a Delaware corporation;	)	
25	BAYER HEALTHCARE	)	
	PHARMACEUTICALS, INC. a Delaware	)	
26	corporation; and DOES 1 - 10, inclusive,	)	
		)	
27	Defendants.	)	

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1 Plaintiff Beth Aigner, Dorothy Barrs, Cynthia Beckett, Dawn Branscombe, Jennifer Brown,  
2 Brooke Carter, Shaunta Daugherty, Dessiree Flores, Kerri Gerkens, Lori Hadley, Regina Hall,  
3 Chrissy Joyner, Tammy Larson, Bianca Moninger, Jessica Nunemaker, Nancy Ozuna, Simone  
4 Padilla, Dana Prosser, Erika Trejo, and Debra Tucker (collectively, “Plaintiffs”) and defendants  
5 Bayer Corporation, Bayer HealthCare LLC, Bayer Essure Inc., and Bayer HealthCare  
6 Pharmaceuticals Inc. (collectively, “Bayer”) hereby stipulate and agree as follows:

7 1. Plaintiffs filed their complaint on May 18, 2016, in the Superior Court for the State of  
8 California, County of Alameda, asserting claims involving the Essure® Permanent Birth Control  
9 System (the “Essure Device”).

10 2. Bayer removed this action to federal court on June 20, 2016. [Dkt. No. 1].

11 3. Bayer filed its Motion to Dismiss on June 27, 2016. [Dkt. No. 12]. Pursuant to the  
12 Local Rules, Plaintiffs’ opposition is due on July 11, and Bayer’s reply is due on July 18. [*Id.*].

13 4. Thereafter, the matter was reassigned to the Honorable William. H. Alsup. [Dkt. No.  
14 16]. Pursuant to the Related Case Order entered on June 30, 2016, the Court instructed Bayer, as the  
15 moving party on the Motion to Dismiss, to re-notice its Motion to Dismiss. [*Id.*].

16 5. This case is related to *Scott. v. Bayer Corporation, et al.*, No. 3:16-cv-03369-WHA,  
17 and Bayer has filed a similar Motion to Dismiss in that case.

18 6. The parties have met and conferred on a briefing schedule that will permit a  
19 coordinated hearing on the Motions to Dismiss in *Scott* and *Aigner*. In addition, Plaintiffs in this  
20 case and in *Scott* have indicated that they will be filing Motions to Remand the actions to the  
21 Superior Court for the State of California.

22 7. In the interests of efficiency and to permit coordination of briefing and hearing of the  
23 issues among the related cases, the parties agree to and request the Court to order the following  
24 briefing schedule for Bayer’s Motion to Dismiss and Plaintiffs’ anticipated Motion to Remand,  
25 which is the first time the parties have requested this type of relief and which will not otherwise  
26 affect the schedule in this case:

- 27 • July 22, 2016 – Plaintiffs’ deadline to file Motion to Remand
- 28 • August 8, 2016 – Plaintiffs’ deadline to respond to Motion to Dismiss

- 1 • August 12, 2016 – Bayer’s deadline to respond to Motion to Dismiss
- 2 • August 22, 2016 – Bayer’s deadline to file reply in support of Motion to Dismiss
- 3 • August 24, 2016 – Plaintiffs’ deadline to file reply in support of Motion to Remand
- 4 • September 15, 2016 – Hearing on Motion to Dismiss and Motion to Remand

5 IT IS SO STIPULATED.

6 Dated: July 7, 2016

SIDLEY AUSTIN LLP

7  
8 By: /s/ Alycia A. Degen  
Alycia A. Degen  
9 Attorneys for Defendants  
10 BAYER CORPORATION,  
11 BAYER HEALTHCARE LLC,  
BAYER ESSURE, INC., and BAYER  
HEALTHCARE PHARMACEUTICALS, INC.

12  
13 Dated: July 7, 2016

SCHMIDT NATIONAL LAW GROUP

14  
15 By: /s/ Martin Schmidt  
Martin Schmidt  
16 Attorneys for Plaintiffs  
17 BETH AIGNER, *et al.*

18 **Filer’s Attestation:**

19 Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby attests that  
20 concurrence in the filing of this document has been obtained from Martin Schmidt.

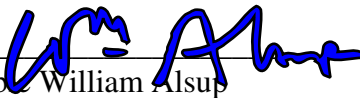
21  
22 By: /s/ Alycia A. Degen  
23 Alycia A. Degen

~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES STIPULATION, and for good cause shown, IT IS ORDERED THAT:

- a. Plaintiffs shall file their Motion to Remand on or before July 22, 2016.
- b. Plaintiffs' opposition to Bayer's Motion to Dismiss is due August 8, 2016.
- c. Bayer's opposition to Plaintiffs' Motion to Remand is due August 12, 2016.
- d. Bayer's reply in support of its Motion to Dismiss is due August 22, 2015.
- e. Plaintiffs' reply in support of their Motion to Remand is due August 24, 2016.
- f. The hearings on the Motion to Dismiss and Motion to Remand are scheduled for hearing on September 15, 2016, at 8:00 a.m.

Dated: July 7, 2016

  
Honorab William Alsup