

1 Karen Barth Menzies (SBN: 180234)
2 kbm@classlawgroup.com
3 GIBBS LAW GROUP LLP
4 400 Continental Blvd, 6th Floor
5 El Segundo, California 90245
6 Telephone: 510-350-9240
7 Facsimile: 510-350-9701

8 Eric H. Gibbs (SBN: 178658)
9 Amy M. Zeman (SBN: 273100)
10 ehg@classlawgroup.com
11 amz@classlawgroup.com
12 GIBBS LA GROUP LLP
13 505 14th Street, Suite 1110
14 Oakland, CA 94612
15 Telephone: 510-350-9700
16 Facsimile: 510-350-9701

17 Attorneys for PLAINTIFF

18 G. Gregg Webb (SBN: 298787)
19 gwebb@shb.com
20 SHOOK, HARDY & BACON L.L.P.
21 One Montgomery, Suite 2700
22 San Francisco, California 94104
23 Telephone: 415-544-1900
24 Facsimile: 415-391-0281

25 Attorneys for Defendant
26 SANOFI-AVENTIS U.S. LLC

27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA

BERTHA RENEE SCHMITZ,

Plaintiff,

vs.

SANOFI S.A.,
AVENTIS PHARMA S.A., and
SANOFI-AVENTIS U.S. LLC,

Defendants.

Case No. 3:16-cv-04619-MMC

ORDER GRANTING
STIPULATED REQUEST FOR STAY
PENDING MDL TRANSFER DECISION;
~~DECLARATION OF G. GREGG WEBB;~~
~~AND [PROPOSED] ORDER~~

DIRECTING PARTIES TO SUBMIT JOINT
STATUS REPORT

1 Pursuant to Civil L.R. 6-2, Plaintiff Bertha Renee Schmitz and Defendant Sanofi-Aventis
2 U.S. LLC¹ (collectively, “the Parties”) hereby stipulate and request that the Court enter the
3 accompanying Proposed Order staying this action for all purposes pending a decision by the Judicial
4 Panel on Multidistrict Litigation (“JPML”) on the previously filed Motion for Transfer seeking to
5 centralize this case and all other docetaxel cases filed nationally into a Multidistrict Litigation
6 (“MDL”) proceeding (the “MDL Motion”). As described below, Defendant Sanofi-Aventis U.S.
7 LLC did not oppose creation of an MDL. The JPML has set the MDL Motion for hearing on
8 September 29, 2016, and the Parties anticipate that the JPML will issue its ruling shortly thereafter.
9 Granting a brief stay of this action will ensure that the JPML has an opportunity to hear and rule
10 upon the pending Motion for Transfer and will prevent potentially unnecessary and duplicative
11 proceedings before this Court, thereby conserving both this Court and the Parties’ time and
12 resources.

13 In support of this Stipulation, the Parties state further as follows:

14 **The Pending MDL Motion for Transfer**

15 1. On July 22, 2016, plaintiffs filed a Motion for Transfer before the Judicial Panel on
16 Multidistrict Litigation, requesting creation of an MDL proceeding to centralize all docetaxel cases
17 filed in federal court, including this case. (*See In re Taxotere (Docetaxel) Prod. Liab. Litig.*, MDL
18 No. 2740 (MDL Dkt. # 1).) Plaintiffs’ initial motion sought to transfer thirty-three actions (*id.*), and
19 since then, notices of related actions have been filed identifying twenty-six additional actions (*see*
20 MDL Dkt.). In responding to the MDL Motion, Defendant Sanofi-Aventis U.S. LLC did not oppose
21 the creation of a multidistrict litigation proceeding for this action and other included actions pending
22 nationwide. (*See MDL Dkt. # 42.*) The JPML set the hearing on the MDL Motion for its next
23 Hearing Session on September 29, 2016, in Washington, D.C., and a ruling on whether this case and
24 others will be centralized is anticipated shortly thereafter. (*See MDL Dkt. # 27.*)

25
26 _____
27 ¹ Named Defendants Sanofi S.A. and Aventis Pharma S.A. have not been served in this case. By
28 filing this Stipulation, Defendants expressly do not waive any claims or defenses, including without
limitation defenses based on this Court’s lack of personal jurisdiction.

1 initial Case Management Conference in this matter is set for November 18, 2016; and (3) the
2 attendant Joint CMC Statement is currently due November 10, 2016.

3 **Stipulated Stay**

4 8. For the reasons stated herein, the Parties stipulate to and request a stay of this action
5 for all purposes, including without limitation all responsive pleading, discovery, hearings, and other
6 deadlines, to permit a ruling on the Motion for Transfer currently pending before the Judicial Panel
7 on Multidistrict Litigation, which ruling the Parties expect to receive during the first two weeks of
8 October 2016. The Parties agree that this stay shall remain in full force and effect until lifted by
9 court order upon motion of one or more Parties or as otherwise ordered by this Court or the MDL
10 Court following transfer to an MDL.

11 9. No previous time modification has been requested by the Parties or ordered by the
12 Court in this case. Granting this request will have no adverse effect on future proceedings in this
13 matter.

14 Dated: September 8, 2016

GIBBS LAW GROUP

15 By: /s/ Karen Barth Menzies

KAREN BATH MENZIES

ERIC H. GIBBS

AMY M. ZEMAN

16 Attorneys for PLAINTIFF

17
18
19 Dated: September 8, 2016

SHOOK, HARDY & BACON L.L.P.

20 By: /s/ G. Gregg Webb

G. GREGG WEBB

21 Attorneys for Defendant

22 SANOFI-AVENTIS U.S. LLC

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED THAT the parties shall file, no later than October 28, 2016, a joint status report to apprise the Court of the status of the Motion to Transfer, if the action has not been transferred by said date.

DATED: September 9, 2016


HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE