

1 TIMOTHY M. CLARK (Bar No. 284447)
tclark@thesandersfirm.com

2 LAUREN A. WELLING (Bar No. 291813)
lwelling@thesandersfirm.com

3 **SANDERS PHILLIPS GROSSMAN, LLC**
2860 Michelle Drive, Suite 220
4 Irvine, CA 92606
Telephone: +1 877 480 9142
5 Facsimile: +1 213 330 0346

6 Attorneys for Plaintiffs

7 DONALD F. ZIMMER, JR. (State Bar No. 112279)
fzimmer@kslaw.com

8 WILLIAM E. STEIMLE (State Bar No. 203426)
wsteimle@kslaw.com

9 **KING & SPALDING LLP**
101 Second Street, Suite 2300
10 San Francisco, CA 94105
Telephone: +1 415 318 1200
11 Facsimile: +1 415 318 1300

12 Attorneys for Defendants
13 BRISTOL-MYERS SQUIBB COMPANY,
ASTRAZENECA PHARMACEUTICALS LP, and
14 MCKESSON CORPORATION

15 **IN THE UNITED STATES DISTRICT COURT**

16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 KATHY BARNES, an individual,
18 Plaintiff,
19 v.

Case No.: 3:17-cv-1869-JST

**STIPULATION FOR ORDER DENYING
MOTION TO DISMISS AND GRANTING
MOTION TO TRANSFER PURSUANT
TO 28 U.S.C. § 1404(a)**

20 BRISTOL-MYERS SQUIBB COMPANY;
21 ASTRAZENECA PHARMACEUTICALS
LP; MCKESSON CORPORATION; and
22 DOES 1-50 INCLUSIVE
23 Defendants.

Judge: Hon. Jon S. Tigar

24 AND RELATED ACTIONS:
25 *Tony Campbell v. Bristol-Myers Squibb*
Company, et al., Case No. 3:17-cv-01872-JST;
26 *Anita Rochelle Holland v. Bristol-Myers*
27 *Squibb Company, et al.*, Case No. 3:17-cv-
28 02430;

1 *Michael Miller v. Bristol-Myers Squibb*
2 *Company, et al.*, Case No. 3:17-cv-01870-JST;

3 *Lester Speights v. AstraZeneca*
4 *Pharmaceuticals LP, et al.*,
Case No. 3:17-cv-01873-JST;

5 *Nichole Wilcox v. Bristol-Myers Squibb*
6 *Company, et al.*, Case No. 3:17-cv-01662-JST;

7 *Robbie York v. Bristol-Myers Squibb*
8 *Company, et al.*, Case No. 4:17-cv-01871-JST;

9 *Sheryle Christensen v. Bristol-Myers Squibb*
10 *Company, et al.*, Case No. 3:17-cv-03098-JST
11 (in which Defendants are specially appearing);

12 *Donielle Cousins v. Bristol-Myers Squibb*
13 *Company, et al.*, Case No. 3:17-cv-03180-JST
14 (in which Defendants are specially appearing);

15 *Norman Johnson v. Bristol-Myers Squibb*
16 *Company, et al.*, Case No. 3:17-cv-03019-JST
17 (in which Defendants are specially appearing).

18 **TO THE COURT AND ALL PARTIES:**

19 WHEREAS, Defendants AstraZeneca Pharmaceuticals LP (AstraZeneca) and Bristol-
20 Myers Squibb Company (BMS) filed Motions to Dismiss for Lack of Personal Jurisdiction in the
21 *Barnes, Campbell, Holland, Miller, Speights, Wilcox, and York* actions on May 26, 2017;

22 WHEREAS, in the alternative, AstraZeneca, BMS, and McKesson Corporation argued
23 that Plaintiffs' respective home states were a more convenient forum and that these cases should
24 be transferred pursuant to 28 U.S.C. § 1404(a);

25 WHEREAS, Defendants have yet to appear in the *Christensen, Cousins, and Johnson*
26 cases, but would file the same motions in response to the complaints in those cases;

27 WHEREAS, based on the Court's recent rulings denying Defendants' motions to dismiss
28 for lack of personal jurisdiction and granting Defendants' motions to transfer in related actions
Dubose v. Bristol-Myers Squibb, et al., Case No. 3:17-cv-00244-JST (Doc 39) and *Cortina v.*
Bristol-Myers Squibb, et al., Case No. 3:17-cv-00247-JST (Doc 36), the parties anticipate that

1 the Court will reach the same result with respect to Defendants' pending motions and in similar
2 motions that would be filed in the *Christensen*, *Cousins*, and *Johnson* cases, because the motions
3 are based on substantially similar factual circumstances;

4 WHEREAS, while Defendants respectfully disagree with the Court's ruling denying their
5 motion to dismiss and Plaintiffs respectfully disagree with the Court's ruling granting
6 Defendants' motion to transfer, the parties agree to the following stipulation in an effort to
7 conserve resources and minimize expense for the parties and the Court;

8 **NOW, THEREFORE**, the Parties stipulate and agree that the Court will deny the
9 motions to dismiss for lack of jurisdiction and will grant the motions to transfer the cases to the
10 districts where Plaintiffs reside pursuant to 28 U.S.C. § 1404(a), as follows:

- 11 • Barnes, Kathy; Eastern District of Kentucky;
- 12 • Campbell, Tony; Eastern District of Tennessee;
- 13 • Holland, Anita Rochelle; Middle District of North Carolina;
- 14 • Miller, Michael; Northern District of Indiana;
- 15 • Speights, Lester; Eastern District of Louisiana;
- 16 • Wilcox, Nichole; Western District of Tennessee;
- 17 • York, Robbie; Northern District of Georgia;
- 18 • Christensen, Sheryle; District of Idaho;
- 19 • Cousins, Donielle; Southern District of Indiana;
- 20 • Johnson, Norman; Northern District of Georgia.

21 **IT IS SO STIPULATED.**

22 DATED: July 27, 2017

SANDERS PHILLIPS GROSSMAN, LLC

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24
25 By: /s/ Timothy M. Clark
26 Timothy M. Clark
27 Lauren Welling
28 Attorneys for Plaintiffs

1 DATED: July 27, 2017

KING & SPALDING LLP

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3
4 By: /s/ William E. Steimle
Donald F. Zimmer, Jr.
5 William E. Steimle
Attorneys for Defendants

6 **Signature Attestation (N.D. Cal. L.R. 5-1(i)(3))**

7 I, William E. Steimle, attest that concurrence in the filing of this document has been
8 obtained from each signatory whose ECF user ID and password are not being used in the
9 electronic filing of this document.

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12 Having considered the above stipulation to transfer, and good cause appearing, the
13 Parties' Stipulation is **GRANTED**.

14 The action entitled *Kathy Barnes v. Bristol Myers Squibb, et al.* Case No. 3:17-cv-1869-
15 JST, shall be transferred to the Eastern District of Kentucky.

16 The action entitled *Tony Campbell v. Bristol-Myers Squibb Company, et al.*, Case No.
17 3:17-cv-01872-JST, shall be transferred to the Eastern District of Tennessee.

18 The action entitled *Anita Rochelle Holland v. Bristol-Myers Squibb Company, et al.*, Case
19 No. 3:17-cv-02430, shall be transferred to the Middle District of North Carolina.

20 The action entitled *Michael Miller v. Bristol-Myers Squibb Company, et al.*, Case No.
21 3:17-cv-01870-JST, shall be transferred to the Northern District of Indiana.

22 The action entitled *Lester Speights v. AstraZeneca Pharmaceuticals LP, et al.*, Case No.
23 3:17-cv-01873-JST, shall be transferred to the Eastern District of Louisiana.

24 The action entitled *Nichole Wilcox v. Bristol-Myers Squibb Company, et al.*, Case No.
25 3:17-cv-01662-JST, shall be transferred to the Western District of Tennessee.

26 The action entitled *Robbie York v. Bristol-Myers Squibb Company, et al.*, Case No. 4:17-
27 cv-01871-JST, shall be transferred to the Northern District of Georgia.

1 The action entitled *Sheryle Christensen v. Bristol-Myers Squibb Company, et al.*, Case
2 No. 3:17-cv-03098-JST, shall be transferred to the District of Idaho.

3 The action entitled *Donielle Cousins v. Bristol-Myers Squibb Company, et al.*, Case No.
4 3:17-cv-03180-JST, shall be transferred to the Southern District of Indiana;

5 The action entitled *Norman Johnson v. Bristol-Myers Squibb Company, et al.*, Case No.
6 3:17-cv-03019-JST, shall be transferred to the Northern District of Georgia.

7 **IT IS SO ORDERED.**

8 DATED: August 1, 2017 _____

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HONORABLE JON S. TIGAR
United States District Judge