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 Appearing Defendants *Bayer Corporation*,
 7 *Bayer Essure Inc.*, *Bayer HealthCare LLC*,
Bayer HealthCare Pharmaceuticals Inc.
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9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 HEATHER EISENBERG, *et al.*,

12 Plaintiffs,

13 vs.

14 BAYER CORP.; BAYER HEALTHCARE
 15 LLC; BAYER ESSURE INC., (F/K/A
 16 CONCEPTUS, INC.); BAYER HEALTHCARE
 17 PHARMACEUTICALS, INC.; and DOES 1-10,
 inclusive,

18 Defendants.
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) Case No. 3:17-cv-01761-WHA
) Order re:
) **JOINT STIPULATION TO STAY**
) **BRIEFING PENDING RULINGS ON**
) **MOTION TO REMAND AND**
) **MOTION TO DISMISS IN**
) **SANGIMINO, et al. v. BAYER CORP.,**
) **et al.**

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 Order re:

1 Plaintiffs Heather Eisenberg, *et al.*, and defendants and specially-appearing defendants Bayer
2 Corporation, Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare Pharmaceuticals Inc.
3 (collectively, “Bayer”), hereby stipulate and agree as follows:

4 1. Plaintiffs filed their complaint on February 27, 2017, in the Superior Court for the
5 State of California, County of Alameda. In their complaint, Plaintiffs assert claims involving the
6 Essure® Permanent Birth Control System (the “Essure® Device”).

7 2. On March 30, 2017, Bayer removed the matter from the Alameda County Superior
8 Court to the United States District Court for the Northern District of California. [Dkt. No. 1].

9 3. Bayer filed its Motion to Dismiss on April 6, 2017, on the grounds of federal
10 preemption, among other grounds. [Dkt. No. 13].

11 4. Plaintiffs have indicated their intention to file a Motion to Remand.

12 5. On April 7, 2017, this matter was deemed related to another matter pending before
13 this Court involving the Essure® Device, captioned as *Elizabeth Ann Sangimino, et al. v. Bayer*
14 *Corp., et al.*, Case No. 3:17-cv-01488-WHA. [Dkt. No. 16].

15 6. In the *Sangimino* matter, the Court has already set a briefing schedule on Bayer’s
16 Motion to Dismiss, which is similar to the Motion to Dismiss filed in this matter, and on Plaintiffs’
17 Motion to Remand, which is similar to the Motion to Remand which Plaintiffs intend to file in this
18 matter. The briefing schedule on those motions in *Sangimino* is as follows:

- 19 • **April 28, 2017:** Bayer’s deadline to respond to Plaintiffs’ Motion to Remand;
20 Plaintiffs’ deadline to respond to Bayer’s Motion to Dismiss;
- 21 • **May 12, 2017:** Bayer’s deadline to file a reply in support of the Motion to Dismiss;
22 Plaintiffs’ deadline to file a reply in support of the Motion to Remand;
- 23 • **June 8, 2017:** Hearing on Motion to Dismiss and Motion to Remand.

24 7. In light of the close overlap between the issues being briefed in *Sangimino* and those
25 that will be presented to the Court in this matter, the parties have met and conferred and agree that it
26 would be in the interest of judicial economy to stay the briefing in this matter pending the Court’s
27 rulings on the Motion to Dismiss and Motion to Remand in *Sangimino*. The Parties thus respectfully
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Order re:

1 request and ask the Court to enter an order in this matter staying all briefing on Bayer's Motion to
2 Dismiss and Plaintiffs' anticipated Motion to Remand until such time.

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4 IT IS SO STIPULATED.

5 Dated: April 24, 2017

SIDLEY AUSTIN LLP

6
7 By: /s/ Alycia A. Degen

Alycia A. Degen
Bradley J. Dugan

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9 *Attorneys for Defendants and Specially*
10 *Appearing Defendants*
11 Bayer Corporation, Bayer HealthCare LLC,
Bayer Essure Inc., and Bayer HealthCare
Pharmaceuticals Inc.

12 Dated: April 24, 2017

SKIKOS, CRAWFORD, SKIKOS & JOSEPH

13 By: /s/ Mark Crawford

14 Mark Crawford

15 *Attorneys for Plaintiffs*
16 Heather Eisenberg, *et al.*

17 **Filer's Attestation:** Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby
18 attests that concurrence in the filing of this document has been obtained from counsel for Plaintiffs.

19 Dated: April 24, 2017


20 By: /s/ Alycia A. Degen

Alycia A. Degen

~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS ORDERED THAT the briefing on Bayer's Motion to Dismiss, and the deadline for Plaintiffs to file their anticipated Motion to Remand, are STAYED pending the Court's rulings on the Motion to Dismiss and Motion to Remand in the related case *Sangimino v. Bayer Corp., et al.*, Case No. 3:17-cv-01488-WHA.

Dated: April 25, 2017



Honorable William H. Alsup

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