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14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 ADRIAN HOLLEY, *et al.*,
 18
 Plaintiffs,
 19
 v.
 20 GILEAD SCIENCES, INC.,
 21
 Defendant.
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No. 3:18-cv-06972-JST
 JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO SET
 BRIEFING SCHEDULE AND EXTEND
 PAGE LIMITATIONS FOR MOTION
 TO DISMISS

23 CHARANDA DOWDY, *et al.*,
 24
 Plaintiffs,
 25
 v.
 26 GILEAD SCIENCES, INC.,
 27
 Defendant.
 28

No. 3:19-cv-00481-JST
 JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO SET
 BRIEFING SCHEDULE AND EXTEND
 PAGE LIMITATIONS FOR MOTION
 TO DISMISS

1 **JOINT STIPULATION**

2 Pursuant to Northern District Rule of California Civil Local Rules 6-2 and 7-12, Plaintiffs in
3 the above-captioned actions and Defendant Gilead Sciences, Inc. (“Gilead”) (together, the “Parties”),
4 by and through their respective counsel of record, submit the following stipulation and proposed
5 order:

6 WHEREAS, Plaintiffs filed their complaint in *Holley, et al. v. Gilead Sciences, Inc.*, No.
7 3:18-cv-06972-JST (“*Holley*”) on November 16, 2018;

8 WHEREAS, on December 11, 2018, the Court set a briefing schedule for Gilead’s motion to
9 dismiss the *Holley* complaint, whereby Gilead’s motion to dismiss was due January 25, 2019,
10 Plaintiffs’ opposition brief is due March 11, 2019, and Gilead’s reply brief is due April 5, 2019;

11 WHEREAS, Plaintiffs filed their complaint in *Dowdy et al. v. Gilead Sciences, Inc.*, No.
12 3:19-cv-00481-JST (“*Dowdy*”) on January 28, 2019;

13 WHEREAS, on February 1, 2019, the Court entered an Order finding that *Holley* and *Dowdy*
14 are related cases and reassigning *Dowdy* to this Court;

15 WHEREAS, Gilead filed a motion to dismiss the *Dowdy* complaint on February 20, 2019,
16 which is materially similar to the motion to dismiss it filed on January 25, 2019 in *Holley*;

17 WHEREAS, Plaintiffs’ brief in opposition to the motion to dismiss the *Dowdy* complaint is
18 currently due March 6, 2019, and Gilead’s reply brief is currently due March 13, 2019—before
19 Plaintiffs’ opposition brief and Gilead’s reply brief are due in *Holley*;

20 WHEREAS, the hearing on Gilead’s motion to dismiss in both *Holley* and *Dowdy* is set for
21 April 25, 2019, at 2:00 PM;

22 WHEREAS, on February 20, 2019, the Court issued a Case Management Order observing
23 that, in light of the similarities between the motions to dismiss in *Holley* and *Dowdy*, the briefing on
24 the motions to dismiss might be consolidated in order to conserve the Parties’ and the Court’s
25 resources;

26 WHEREAS, the Parties would like the motions to dismiss in *Holley* and *Dowdy* to be briefed
27 on the same schedule;

28 WHEREAS, this is the Parties’ first request for an extension of time in the *Dowdy* case;

1 WHEREAS, Plaintiffs request a maximum of ten additional pages to address the arguments
2 in Gilead's motions to dismiss, including its arguments as to the sufficiency of Plaintiffs' fraud and
3 consumer protection allegations under the laws of thirty-one (31) states;

4 WHEREAS, if Plaintiffs receive an additional ten pages for their opposition brief, Gilead
5 requests an additional five pages for its reply brief in further support of its consolidated motion to
6 dismiss;

7 THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties, through their
8 undersigned counsel of record, that:

9 1. By February 27, 2019, Gilead will file a consolidated motion to dismiss in *Holley* and
10 *Dowdy* that raises no new arguments;

11 2. Plaintiffs' consolidated opposition to Gilead's motion to dismiss the *Holley* and
12 *Dowdy* complaints shall be due on March 11, 2019;

13 3. Gilead's consolidated reply in support of its motion to dismiss the *Holley* and *Dowdy*
14 complaints shall be due on April 5, 2019;

15 4. Plaintiffs' consolidated opposition to Gilead's motion to dismiss the *Holley* and
16 *Dowdy* complaints shall not exceed thirty-five (35) pages; and

17 5. Gilead's consolidated reply in support of its motion to dismiss the *Holley* and *Dowdy*
18 complaints shall not exceed twenty (20) pages.

19 DATED this 22nd day of February, 2019

20 **STIPULATED AND AGREED TO BY:**

21 /s/ Steve W. Berman
22 Steve W. Berman (*pro hac vice*)
23 Anne F. Johnson (*pro hac vice*)
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10 *Attorneys for Plaintiffs*

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1 **SIGNATURE ATTESTION**

2 I, Steve W. Berman, am the ECF user whose identification and password are being used to
3 file the foregoing document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that concurrence
4 in the filing of this document has been obtained from each of the other signatories.

5 Dated: February 22, 2019

/s/ Steve W. Berman _____

6 Steve W. Berman

7 *Attorney for Plaintiffs*

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1 **PROPOSED ORDER**

2 Pursuant to the foregoing stipulation of the parties and good cause appearing, it is hereby
3 ORDERED as follows:

4 1. The above Stipulation is GRANTED IN PART;

5 2. By February 27, 2019, Gilead will file a consolidated motion to dismiss in *Holley* and
6 *Dowdy* that raises no new arguments;

7 3. Plaintiffs' consolidated opposition to Gilead's motion to dismiss the *Holley* and
8 *Dowdy* complaints shall be due on March 11, 2019; and

9 4. Gilead's consolidated reply in support of its motion to dismiss the *Holley* and *Dowdy*
10 complaints shall be due on April 5, 2019.

11 ~~5. Plaintiffs' consolidated opposition to Gilead's motion to dismiss the *Holley* and~~
12 ~~*Dowdy* complaints shall not exceed thirty-five (35) pages; and~~

13 ~~6. Gilead's consolidated reply in support of its motion to dismiss the *Holley* and *Dowdy*~~
14 ~~complaints shall not exceed twenty (20) pages.~~

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Dated: February 25, 2019

17 
18 _____
19 THE HONORABLE JON S. TIGAR
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