

United States District Court
Northern District of California

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14 [Additional Counsel Listed on Signature Page]

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.

Case No. 3:18-cv-06972-JST

Hon. Jon S. Tigar

**STIPULATION AND ~~PROPOSED~~
ORDER CONSOLIDATING CASES FOR
PRETRIAL PURPOSES**

22 CHARANDA DOWDY, *et al.*,

23 Plaintiffs,

24 v.

25 GILEAD SCIENCES, INC.,

26 Defendant.

Case No. 3:19-cv-00481-JST

Hon. Jon S. Tigar

**STIPULATION AND ~~PROPOSED~~
ORDER CONSOLIDATING CASES FOR
PRETRIAL PURPOSES**

1 Plaintiffs in *Holley, et al. v. Gilead Sciences Inc.*, No. 3:18-cv-06972-JST, and *Dowdy, et al.*
2 *v. Gilead Sciences, Inc.*, No. 3:19-cv-00481-JST and Gilead Sciences, Inc. (“Gilead),” the parties in
3 the two related cases pending before this Court, hereby stipulate as follows:

4 WHEREAS, the *Holley* Plaintiffs filed their action filed in this District on November 16,
5 2018, and the *Dowdy* Plaintiffs filed their action in this District on January 28, 2019;

6 WHEREAS, on January 30, 2019, the parties submitted a Joint Stipulation in Support of
7 Administrative Motion to Consider Whether Cases Should Be Related in which the parties stipulated
8 and agreed that *Holley* and *Dowdy* should be related pursuant to Local Rule 3-12 in the interests of
9 judicial economy and to avoid the potential for conflicting rulings;

10 WHEREAS, on February 1, 2019, the Court issued an Order relating *Holley* and *Dowdy*
11 pursuant to Local Rule 3-12;

12 WHEREAS, on February 20, 2019, the Court ordered the parties to address in their next case
13 management statement whether *Holley* and *Dowdy* should be consolidated;

14 WHEREAS, in their joint case management statements, Plaintiffs informed the Court that
15 *Holley* and *Dowdy* should be consolidated and Gilead informed the Court that it did not oppose the
16 consolidation of *Holley* and *Dowdy* for pretrial proceedings; and

17 WHEREAS, counsel for the parties in the two cases have conferred and concluded that the
18 *Dowdy* action should be consolidated with the *Holley* action for all pretrial purposes pursuant to
19 Federal Rule of Civil Procedure 42(a) because the cases involve at least one common question of law
20 or fact arising from allegations (which Gilead denies) that Plaintiffs were injured as a result of
21 ingesting one or more of Gilead’s TDF-containing drugs.

22 IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and Gilead, that:

23 1. Pursuant to Federal Rule of Civil Procedure 42(a), the above-captioned cases should
24 be consolidated for all pretrial purposes into one action.

25 2. The master docket and master file for the consolidated actions should be 3:18-cv-
26 06972-JST and the consolidated action shall bear the caption *Holley, et al. v. Gilead Sciences Inc.*

27 3. This stipulation is without prejudice to or waiver of Gilead’s opposition to
28 consolidated trials in any of these cases.

1 IT IS SO STIPULATED.

2 Dated: April 26, 2019

By: /s/ Steve W. Berman

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18 Dated: April 26, 2019

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Attorneys for Defendant Gilead Sciences, Inc.

1 Attestation Pursuant to Civil Local Rule 5-1(i)(3)

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: April 26, 2019

/s/ Steve W. Berman
Steve W. Berman

Attorney for Plaintiffs

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1 **~~PROPOSED~~ ORDER**

2 Pursuant to the Stipulation and Proposed Order Consolidating Cases for Pretrial Purposes,
3 and good cause appearing therefor, the Court hereby ORDERS that:

- 4 1. Pursuant to Federal Rule of Civil Procedure 42(a), the above-captioned cases are
5 consolidated for all pretrial purposes into one action.
- 6 2. The master docket and master file for the consolidated actions shall be 3:18-cv-
7 06972-JST and the consolidated action shall bear the caption *Holley, et al. v. Gilead*
8 *Sciences Inc.*
- 9 3. This order is without prejudice to or waiver of Gilead's opposition to consolidated
10 trials in any of these cases.

11
12
13 IT IS SO ORDERED.

14 Dated: April 29, 2019

15 
16 HONORABLE JON S. TOAR
17 UNITED STATES DISTRICT COURT JUDGE