

1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA  
 3 (OAKLAND DIVISION)

4 FRESENIUS MEDICAL CARE HOLDINGS,  
 5 INC., a New York corporation; and FRESENIUS  
 6 USA, INC., a Massachusetts corporation,

7 Plaintiffs and Counter-  
 8 Defendants,

9 v.

10 BAXTER INTERNATIONAL, INC., a  
 11 Delaware corporation; and BAXTER  
 12 HEALTHCARE CORPORATION, a  
 13 Delaware corporation,

14 Defendants and Counterclaimants.

Case No. C 03-01431 PJH

**[PROPOSED] ORDER RE-SETTING  
 HEARING DATE**

15 Pursuant to the Court's Order dated June 3, 2011 (Docket No. 1098), the parties have  
 16 advised the Court that they are unavailable on the proposed date of August 2, 2011, for an  
 17 evidentiary hearing in this matter. The parties have jointly requested that the evidentiary hearing  
 18 be re-set to the alternative date of December <sup>2</sup>~~12~~, 2011 as set forth in Docket No. 1098, and the  
 19 Court grants that request. The evidentiary hearing on Baxter's remand motion will be held on  
 20 December <sup>2</sup>~~12~~, 2011, commencing at 9:00 a.m.

21 Additionally:

22 (i) the current briefing schedule will remain in place;

23 (ii) to the extent any relevant authority becomes available after briefing is concluded, the  
 24 parties will address it by letter submission only; and

25 (iii) should the Court notify the parties that a date earlier than December <sup>2</sup>~~12~~ is available,  
 26 the parties will confer in good faith to determine if counsel and witnesses are available to proceed  
 27 on the earlier date.  
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IT IS SO ORDERED.

Dated: June 30, 2011

