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6 Attorneys for Defendants  
 GUIDANT CORPORATION, GUIDANT SALES  
 7 CORPORATION, CARDIAC PACEMAKERS, INC.,  
 and BOSTON SCIENTIFIC CORPORATION  
 8

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 (OAKLAND DIVISION)

12 FRANCIS MCCONVILLE and VIRGILIO )  
 RABUCO, )  
 13 )  
 Plaintiffs, )  
 14 )  
 vs. )  
 15 )  
 GUIDANT CORPORATION; GUIDANT )  
 16 SALES CORPORATION; CARDIAC )  
 PACEMAKERS, INC.; BOSTON SCIENTIFIC )  
 17 CORPORATION; ALTA BATES SUMMIT )  
 MEDICAL CENTER; and Does 1 through 100, )  
 18 inclusive, )  
 Defendants. )  
 19 )  
 20 )  
 21 )

Case No. C 06-05151 WDB  
**AMENDED STIPULATION AND  
 [PROPOSED] ORDER TO CONTINUE  
 PRETRIAL DEADLINES**

22 IT IS HEREBY STIPULATED by and between the parties through their designated counsel  
 23 that the deadline for Defendants to answer or otherwise respond to Plaintiffs' Complaint in this  
 24 action should be extended. Defendants seek to transfer this case to the Multi-District Litigation  
 25 proceeding established in the United States District Court, District of Minnesota ("MDL court"), and  
 26 Plaintiffs have indicated that they will soon be filing a motion to remand this case back to state  
 27 court. Accordingly, the following deadlines will be modified as follows:  
 28

1 The deadline for Defendants to file an answer or otherwise respond to Plaintiffs' complaint  
2 shall be as follows:

3 (a) if the case is not remanded to state court, and is transferred to the MDL court, any  
4 response will be due pursuant to a deadline set by the MDL court;

5 (b) if the case is not remanded and also is not transferred to the MDL court, any response  
6 will be due thirty (30) days after the decision by the JPML denying transfer to the MDL court; or

7 (c) if the case is remanded, any response will be due thirty (30) days after the remand  
8 decision by this Court.

9 The parties also stipulate that the November 20, 2006, case management conference will be  
10 continued for at least thirty (30) days until December 21, 2006. at 3:00 p.m. All other deadlines will be set  
11 pursuant to Federal and local rule.

12 IT IS SO STIPULATED.

13  
14 DATED: August 31, 2006

Respectfully submitted

15  
16 SHOOK, HARDY & BACON L.L.P.

17  
18 By: 

DANA N. GWALTNEY  
SARA J. ROMANO

19  
20 Attorneys for Defendants  
GUIDANT CORPORATION, GUIDANT SALES  
CORPORATION, CARDIAC PACEMAKERS, INC.,  
21 and BOSTON SCIENTIFIC CORPORATION

22 DATED: August \_\_, 2006

Respectfully submitted

23  
24 GILLIN, JACOBSON, ELLIS & LARSEN

25  
26 By: \_\_\_\_\_

LUKE ELLIS  
KRISTIN LUCEY

27  
28 Attorneys for Plaintiff SALLIE EVERETT,  
individually and as successor in interest to decedent,  
ALBERT EVERETT

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7 (c) if the case is remanded, any response will be due thirty (30) days after the remand  
8 decision by this Court.

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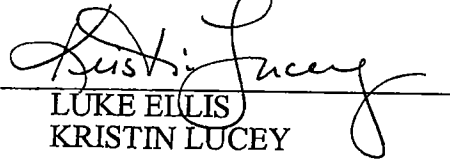
17  
18 By: \_\_\_\_\_  
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21 CORPORATION, CARDIAC PACEMAKERS, INC.,  
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individually and as successor in interest to decedent,  
ALBERT EVERETT

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**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 8/31, 2006

*/s/ Wayne D. Brazil*

THE HONORABLE WAYNE D. BRAZIL