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Counsel for SmithKline Beecham Corporation, d/b/a GlaxoSmithKline

[Additional Attorneys on Signature Page]

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 (OAKLAND DIVISION)

21 SAFEWAY INC.; WALGREEN CO.; THE) **Case No. C 07-5470 (CW)**
 22 KROGER CO.; NEW ALBERTSON’S, INC.;)
 23 AMERICAN SALES COMPANY, INC.; and) *Related per October 31, 2007 Order to*
 HEB GROCERY COMPANY, LP,) *Case No. C-04-1511 (CW)*

Plaintiff,

vs.

ABBOTT LABORATORIES,

Defendant.

**STIPULATION AND [PROPOSED]
 ORDER REGARDING PARTIES’
 SUBMISSION OF JURY
 INSTRUCTIONS AND VERDICT
 FORMS**

Date: N/A
Time: N/A
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

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1 SMITHKLINE BEECHAM CORPORATION)
d/b/a/ GLAXOSMITHKLINE,)

2)
3 Plaintiff,)

4 vs.)

5 ABBOTT LABORATORIES,)
6 Defendant.)

Case No. C 07-5702 (CW)

Related per November 19, 2007 Order to
Case No. C-04-1511 (CW)

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PARTIES'
SUBMISSION OF JURY
INSTRUCTIONS AND VERDICT
FORMS

Date: N/A
Time: N/A
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

10 MEIJER, INC. & MEIJER DISTRIBUTION,)
INC., on behalf of themselves and all others)
11 similarly situated,)

12)
13 Plaintiffs,)

14 vs.)

15 ABBOTT LABORATORIES,)
16 Defendant.)

Case No. C 07-5985 (CW)
CONSOLIDATED CASE

Related per November 30, 2007 Order to
Case No. C-04-1511 (CW)

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PARTIES'
SUBMISSION OF JURY
INSTRUCTIONS AND VERDICT
FORMS

Date: N/A
Time: N/A
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

19 RITE AID CORPORATION; RITE AID)
HDQTRS, CORP.; JCG (PJC) USA, LLC;)
20 MAXI DRUG, INC. d/b/a BROOKS)
PHARMACY; ECKERD CORPORATION;)
21 CVS PHARMACY, INC.; and CAREMARK,)
L.L.C.,)

22)
23 Plaintiff,)

24 vs.)

25 ABBOTT LABORATORIES,)
26 Defendant.)

Case No. C07-6120 (CW)

Related per December 5, 2007 Order to
Case No. C-04-1511 (CW)

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PARTIES'
SUBMISSION OF JURY
INSTRUCTIONS AND VERDICT
FORMS

Date: N/A
Time: N/A
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

1 WHEREAS, the Customer plaintiffs,¹ plaintiff SmithKline Beecham d/b/a
2 GlaxoSmithKline (“GSK”), and defendant Abbott Laboratories (“Abbott”) exchanged proposed
3 jury instructions and verdict forms on January 11, 2011, pursuant to the Court’s Standing Order
4 on Pretrial Preparation (“Standing Order”);

5 WHEREAS, the parties, as part of the meet and confer process, have been attempting to
6 narrow the areas of disagreement among their competing jury instructions;

7 WHEREAS, to reduce disagreement as part of this meet and confer process, and to take
8 into account the Court’s summary judgment order, which the parties received on January 17,
9 2010, the parties have agreed to exchange revised proposed jury instructions;

10 WHEREAS Abbott provided a revised set of proposed jury instructions on January 20,
11 2010;

12 WHEREAS GSK provided revised proposed instructions on anticompetitive conduct on
13 January 20, 2010;

14 WHEREAS, the Customer plaintiffs will provide a revised set of proposed jury
15 instructions before noon EST on January 23, 2010;

16 WHEREAS, under the Court’s Standing Order, jury instructions and verdict forms would
17 be due on January 25, 2011;

18 WHEREAS, all parties now seek the Court’s approval for a three day extension of time to
19 continue to narrow the areas of disagreement among the parties and finalize proposed jury
20 instructions and verdict forms and any briefing thereon for submission to the Court;

21 **IT IS HEREBY STIPULATED AND AGREED:**

22 1. The deadline for all parties to submit the joint set of jury instructions and verdict
23 forms as required under this Court’s standing pretrial order is hereby extended to January 28,
24 2011.

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27
28 ¹ Plaintiffs in Case Nos. 07-5470 (CW), 07-5985 (CW), and 07-6120 (CW).

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

2 /s/ Alexander F. Wiles
3 Alexander F. Wiles
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7 *Counsel for GSK*

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15 *Counsel for Customer Class Plaintiffs*

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25 *Lead Counsel for Rite Aid Corp., et al.*

26 /s/ Michelle Friedland
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Counsel for Abbott Laboratories

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Lead Counsel for Safeway Inc., et al.

28 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: 1/26/2011



Judge Claudia Wilken
United States District Court
Northern District of California

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GENERAL ORDER 45 ATTESTATION

I, Sarah R. London, am the ECF User whose ID and password was used to file this
STIPULATION AND [PROPOSED] ORDER REGARDING PARTIES' SUBMISSION OF
JURY INSTRUCTIONS AND VERDICT FORMS. In compliance with General Order 45, X.B.,
I hereby attest that the above counsel concurred in this filing.

Dated: January 21, 2010

/s/ Sarah R. London
Sarah R. London
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Counsel for Customer Plaintiffs