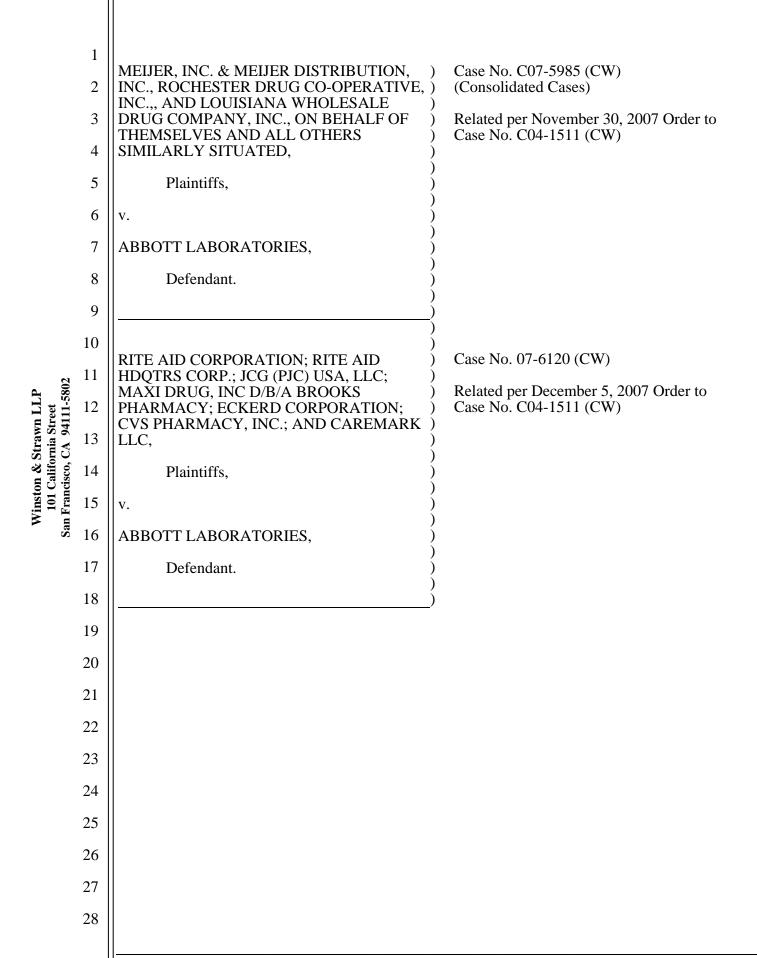
CASE Nos. C07-5470, C07-5985, C07-6012 (CW)

Safeway Inc. et al v. Abbott Laboratories

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Whereas, the direct purchaser plaintiffs in the above-captioned actions (but not plaintiff GSK) have notified Abbott that they intend to notice the deposition of Abbott's Chairman and CEO, Miles White.

Whereas, Abbott has no intent to produce Mr. White for deposition absent a court order requiring the deposition to take place and has expressed its intent to move for a protective order to prevent that deposition from occurring.

Whereas, the direct purchaser plaintiffs dispute that sufficient grounds exist to support such a protective order.

Whereas, Abbott has requested that the direct purchaser plaintiffs not formally notice the deposition of Mr. White until the end of fact discovery.

Whereas, the parties agree to postpone this dispute until the close of fact discovery.

Whereas, the parties first filed this stipulation for Judge Zimmerman's approval and he denied the request because he lacks authority to alter the fact discovery cut-off date.

IT IS HEREBY STIPULATED AND AGREED:

- 1. No plaintiff will notice the deposition of Mr. White before the last week of February 2009. But any notice of deposition for Mr. White must be served by the seventh calendar day after the close of fact discovery.
- 2. Within two business days after service of the deposition notice for Mr. White, the parties will jointly contact Judge Zimmerman's chambers to request the earliest possible hearing date for Abbott's motion for protective order and will coordinate on an expedited schedule for letter briefs.
- 3. Abbott will not oppose the deposition of Mr. White based on the timing of the notice or on the ground that the fact discovery period has closed, or is about to close. But Abbott reserves its right to raise any other objection to the deposition. Abbott also will not seek to alter other deadlines in the case based on the pendency of this dispute or any scheduling of Mr. White's deposition.
- 4. If Abbott ultimately is ordered to produce Mr. White for deposition, the parties will cooperate in scheduling a deposition date convenient for the parties and witness,

Northern District of California

STIPULATION REGARDING DEPOSITION OF MILES WHITE CASE Nos. C07-5470, C07-5985, C07-6012 (CW)

101 California Street San Francisco, CA 94111-5802

Winston & Strawn LLP

GENERAL ORDER 45 ATTESTATION

I, Charles B. Klein, am the ECF User whose ID and password was used to file this Joint
Stipulation to Extend Time for Filing. In compliance with General Order 45, X.B., I hereby attest
that the counsel listed above concurred in this filing.

By: /s/ Charles B. Klein
Charles B. Klein
WINSTON & STRAWN LLP
Counsel for Defendant

CHI:2210991.1