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Attorneys for Defendant
ABBOTT LABORATORIES

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

19 SAFEWAY INC; WALGREEN CO.; THE)
KROGER CO.; NEW ALBERTSON'S, INC.;)
20 AMERICAN SALES COMPANY, INC.; AND)
HEB GROCERY COMPANY, LP,)
21)
22 Plaintiffs,)
23 v.)
24 ABBOTT LABORATORIES,)
25 Defendant.)

Case No. C 07-5470 (CW)
Related per November 19, 2007 Order to
Case No. C 04-1511 (CW)

**STIPULATION EXTENDING MOTION TO
COMPEL DEADLINE**

DATE:
TIME:
PLACE:
JUDGE: Honorable Claudia Wilken

26 *(Caption continued on next page)*
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MEIJER, INC. & MEIJER DISTRIBUTION,)
INC., ROCHESTER DRUG CO-OPERATIVE,)
INC., AND LOUISIANA WHOLESALE)
DRUG COMPANY, INC., ON BEHALF OF)
THEMSELVES AND ALL OTHERS)
SIMILARLY SITUATED,)

Plaintiffs,

v.

ABBOTT LABORATORIES,
Defendant.

Case No. C 07-5985 (CW)
(Consolidated Cases)

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

RITE AID CORPORATION; RITE AID)
HDQTRS CORP.; JCG (PJC) USA, LLC;)
MAXI DRUG, INC D/B/A BROOKS)
PHARMACY; ECKERD CORPORATION;)
CVS PHARMACY, INC.; AND CAREMARK)
LLC,)

Plaintiffs,

v.

ABBOTT LABORATORIES,
Defendant.

Case No.C 07-6120 (CW)

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

1 WHEREAS, the parties completed fact discovery on February 27, 2009, with the exception
2 of certain issues for which this Court—in its February 25, 2009 Order (*see* Dkt. 130)—extended the
3 discovery deadline to March 13, 2009;

4 WHEREAS, the parties are continuing to work on their responses to certain written discovery
5 responses and document productions that were the subject of the parties' February 24, 2009
6 Stipulation re Fact Discovery on Certain Items After Cutoff (entered by the Court on February 25,
7 2009), and agree that a modest additional extension of those deadlines is warranted;

8 WHEREAS, the current deadline for the parties to seek relief from the Court on all discovery
9 issues not subject to the above-referenced Order is March 10, 2009;

10 WHEREAS, the parties have worked diligently to complete fact discovery, but several issues
11 have yet to be fully resolved;

12 WHEREAS, disputes have arisen among Abbott and the Direct Purchaser Plaintiffs regarding
13 their obligations in connection with Rule 30(b)(6) deposition notices served by Abbott, and the
14 parties have an agreement in principle which they are attempting to document to resolve those
15 disputes without the need for motions practice;

16 WHEREAS, a modest extension of the deadline for requesting relief from the Court on these
17 discrete issues will hopefully allow the parties to resolve any disagreements without being forced to
18 seek this Court's intervention;

19 WHEREAS, an extension will not affect the other scheduled dates previously set by this
20 Court (including expert discovery, summary judgment, and trial).

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

22 1. The parties will attempt to document their agreement resolving the issues identified
23 above with regard to the 30(b)(6) depositions by March 13, 2009, and the deadline to seek relief
24 from the Court on these issues shall be extended to March 16, 2009.

25 2. For matters covered in Paragraph 1 of the parties' February 24, 2009 Stipulation re
26 Fact Discovery on Certain Items After Cutoff (entered February 25, 2009), the deadline for written
27 discovery responses will be further extended to March 27, 2009, and the deadline for motions to
28 compel with regard to those written discovery responses shall be extended to April 10, 2009.

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

19 Dated: 3/11/09



Judge Claudia Wilken
United States District Court
Northern District of California

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GENERAL ORDER 45 ATTESTATION

I, Michelle Friedland, am the ECF User whose ID and password was used to file this STIPULATION EXTENDING MOTION TO COMPEL DEADLINE. In compliance with General Order 45, X.B., I hereby attest that the above counsel, counsel for Plaintiffs, concurred in this filing.

Dated: March 10, 2009

/s/ Michelle Friedland

Michelle Friedland
Munger, Tolles & Olson LLP
Counsel for Defendant