

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

1 Michael K. Brown (SBN 104252)
2 Ginger Heyman Pigott (SBN 162908)
3 REED SMITH LLP
4 355 South Grand Avenue, Suite 2900
5 Los Angeles, CA 90071
6 Telephone: 213.457.8000
7 Facsimile: 213.457.8080
8 Email: mkbrown@reedsmith.com;
9 gheyman@reedsmith.com

6 Alison B. Riddell (SBN 246120)
7 REED SMITH LLP
8 Two Embarcadero Center, Suite 2000
9 San Francisco, CA 94111-3922
10 Telephone: 415.543.8700
11 Facsimile: 415.391.8269
12 Email: ariddell@reedsmith.com

10 Attorneys for Defendant
11 Medtronic, Inc.

12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 ARLENE DASHUTE,
16 Plaintiff,

17 vs.

18 MEDTRONIC, INC., a corporation, and
19 DOES 1-20, inclusive,

20 Defendants.
21
22

Case No.: CV 08-5189-EMC

**STIPULATION TO EXTEND TIME
FOR DEFENDANT MEDTRONIC,
INC. TO RESPOND TO
COMPLAINT AND [PROPOSED]
ORDER**

23 Compl. Filed: October 6, 2008
24 Trial Date: None set
25 Disc. Cut-Off: None set

26 Honorable Edward M. Chen
27
28

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 Plaintiff Arlene Dashute (“Plaintiff”) and Defendant Medtronic, Inc.
2 (“Medtronic”), by and through their counsel, hereby stipulate to an extension of time
3 for Medtronic to respond to Plaintiff’s complaint based on the following facts:

4 1. Plaintiff filed the Complaint in this action in San Francisco County
5 Superior Court on October 6, 2008 alleging negligence relating to a Model 6949 lead,
6 known as the Sprint Fidelis lead, sold by Medtronic;

7 2. Pursuant to 28 U.S.C. § 1441(b), Medtronic filed a Notice of Removal of
8 this action in this Court on November 14, 2008;

9 3. Under Federal Rule of Civil Procedure 81(c)(2), the last day for
10 Medtronic to file a responsive pleading is on or about November 19, 2008;

11 4. On February 21, 2008, the Judicial Panel on Multidistrict Litigation
12 granted various Plaintiffs’ requests to transfer all cases allegedly arising out of the
13 implantation of Sprint Fidelis cardiac-defibrillator leads to a single district court for
14 consolidated or coordinated treatment presided over by Honorable Richard H. Kyle
15 (*See In re Medtronic, Inc., Sprint Fidelis Leads Liability Litigation*, MDL No. 1905
16 (“MDL 1905”));

17 5. The Model 6949 lead identified in Plaintiff’s Complaint is included in
18 MDL 1905 and pursuant to Rule 7.5(c) of the Rules of Procedure of the Judicial Panel
19 on Multidistrict Litigation (“R.P.J.P.M.L.”), Medtronic provided notice to the MDL
20 Panel of the pendency of this “tag-along” action in a letter dated November 18, 2008;

21 6. Medtronic expects this case to be listed on a conditional transfer order
22 shortly after the Panel’s receipt and review of the tag-along letter;

23 7. Plaintiff has indicated she will not object to the anticipated conditional
24 transfer order within the fifteen-day period under R.P.J.P.M.L. 7.4(c), therefore the
25 transfer order will be filed in Judge Kyle’s court shortly thereafter and jurisdiction
26 over the case will be transferred to MDL 1905.

27 8. Because Judge Kyle has stayed deadlines for the filing of responsive
28 pleadings to individual complaints, Medtronic has requested that Plaintiffs agree to an

1 extension of time for the filing of any responsive pleadings pending the expected
2 transfer to the MDL; and

3 9. Plaintiffs agree to an extension of time as set forth in the proposed Order
4 below.

5 DATED: November 19, 2008. REED SMITH LLP

7 By /s/ Alison B. Riddell

8 Alison B. Riddell
9 Attorney for Defendant
10 Medtronic, Inc.

11 DATED: November 19, 2008. ANDERLINI, FINKELSTEIN, EMERICK &
12 SMOOT

13 By /s/ Merrill G. Emerick

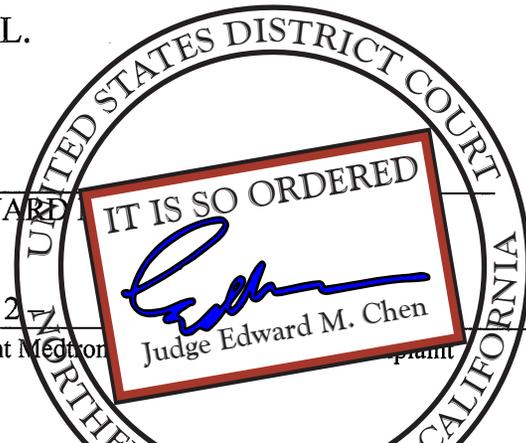
14 Merrill G. Emerick
15 Attorney for Plaintiff
16 Arlene Dashute

17
18 **[PROPOSED] ORDER**

19
20 IT IS HEREBY ORDERED that the time within which Medtronic may answer,
21 move or otherwise respond to the Complaint in this action is hereby extended to allow
22 its responsive pleading to be dictated by the applicable Orders entered in the MDL
23 which currently stay the need for filing of individual responsive pleadings. Should
24 this case not be transferred, Medtronic's time to respond shall be extended to 20 days
25 after the Order denying transfer to the MDL.

26 IT IS SO ORDERED.

27
28 HON. EDWARD



ARLENE DASHUTE v. MEDTRONIC, INC., et al.
USDC – Northern District – Case No.: CV08-5189 EMC

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 355 South Grand Avenue, Suite 2900, Los Angeles, CA 90071-1514. On November 19, 2008, I served the following document(s) by the method indicated below:

STIPULATION TO EXTEND TIME FOR DEFENDANT MEDTRONIC, INC. TO RESPOND TO COMPLAINT AND [PROPOSED] ORDER

by electronically serving the document(s) via CM/ECF on the recipient(s) designated on the Transaction Receipt located on the CM/ECF website.

Merrill G. Emerick
ANDERLINI FINKELSTEIN EMERICK & SMOOT
400 South El Camino Real, Suite 700
San Mateo, CA 94402
Facsimile: (650) 348-0962

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on November 19, 2008, at Los Angeles, California.

/s/ Yolanda Rodriguez
Yolanda Rodriguez

REED SMITH LLP
A limited liability partnership formed in the State of Delaware