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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (SAN FRANCISCO DIVISION)

11 CHARLES HORNISHER and PATRICIA
12 HORNISHER, Individually and as Personal
Representatives of the Estate of ERIC JOHN
13 HORNISHER, Deceased,

14 Plaintiffs,

15 vs.

16 ELI LILLY AND COMPANY, SMITHKLINE
BEECHAM CORP. d/b/a GLAXOSMITHKLINE
17 and JOHN DOES 1-50,

18 Defendants.

Case No. CV 09-01453 PJH

Before the Honorable Phyllis J. Hamilton

**[PROPOSED] ORDER REGARDING
BRIEFING SCHEDULE FOR
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT ON THE
LEARNED INTERMEDIARY DEFENSE**

Complaint Filed: April 02, 2009
Trial Date: June 6, 2011

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

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1 Having the considered the parties' Stipulation Regarding Briefing Schedule for Defendants'
2 Motion for Summary Judgment on the Learned Intermediary Defense, the Court orders that:

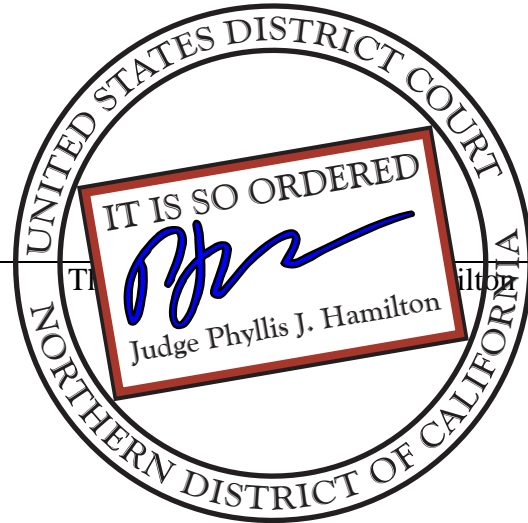
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4 1. Defendants shall file a joint motion for summary judgment based on the learned
5 intermediary defense by December 28, 2009.

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7 2. Plaintiffs' opposition brief and Defendants' reply brief shall be filed and served in
8 accordance with Local Rules 56-1, 7-2 and 7-3.

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10 3. Any party may seek an extension of these deadlines for good cause.

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12 IT IS SO ORDERED

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14 DATED: __ 9/4/09 __.



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