

1 James M. Wood (State Bar Number 58679)  
 James M. Neudecker (State Bar Number 221657)  
 2 REED SMITH LLP  
 101 Second Street, Suite 1800  
 3 San Francisco, CA 94105

4 E-mail: [jmwood@reedsmith.com](mailto:jmwood@reedsmith.com)  
 E-mail: [jneudecker@reedsmith.com](mailto:jneudecker@reedsmith.com)

5 Telephone: 415.543.8700  
 6 Facsimile: 415.391.8269

7 Attorneys for Defendant  
 Eli Lilly and Company, a corporation

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 EXTENDING  
 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

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Having the considered the parties' "Stipulation Requesting Extended Briefing Schedule for  
2 Defendants' Motion for Summary Judgment on the Learned Intermediary Defense," and good cause  
3 appearing, the Court orders that:

4  
5 1. The deadline for Defendants to file a joint motion for summary judgment based on  
6 the learned intermediary defense is continued to January 11, 2010.

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

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

12  
13 IT IS SO ORDERED

14  
15 DATED: 12/10/09.

16  
17  
18 US\_ACTIVE-102786460.1

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
The Honorable P

