

**FILED**

**JAN 22 2010**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 (OAKLAND DIVISION)

14 CHARLES HORNISHER and §  
15 PATRICIA HORNISHER, §  
16 Individually and as §  
17 Personal Representatives of the §  
18 Estate of ERIC JOHN HORNISHER, §  
19 Deceased, §  
20 Plaintiffs, §

CASE # 4:09-cv-01453-PJH

21 vs. §

**JOINT STIPULATION**

22 ELI LILLY and COMPANY; §  
23 GLAXOSMITHKLINE, LLC; and §  
24 JOHN DOES 1-50, §  
25 Defendants. §

26 Pursuant to Local Rule 7-7, Plaintiffs, Charles Hornisher and Patricia Hornisher, individually  
27 and as personal representatives of the estate of Eric John Hornisher, deceased, ("the Hornishers")  
28 and Defendant GlaxoSmithKline, LLC ("GSK"), through their designated counsel, jointly stipulate  
to continue the Hearing set for February 17, 2010 regarding GSK's Motion for Summary Judgment.

Joint Stipulation  
Page 1  
Case #4:09-cv-01453-PJH

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1 By agreement of the parties, and for the following reasons, the Hearing is requested to be continued  
2 until March 3, 2010:

3 1. On January 11, 2010, GSK filed a Motion for Summary Judgment. The Motion is  
4 set to be heard on February 17, 2010.

5 2. The Hornisher's Response in Opposition is due January 27, 2010.

6 3. Counsel for the Hornishers has a previously scheduled conflict with the current  
7 hearing date.  
8

9 4. The Parties have conferred, and by stipulation, jointly request the Court continue the  
10 Hearing until March 3, 2010. Should the Court grant the Stipulation, the Hornisher's response in  
11 Opposition will be due February 10, 2010. GSK's Reply will be due February 17, 2010.

12 Respectfully submitted,

13 Dated January 21, 2010

VICKERY, WALDNER & MALLIA, LLP

14  
15 By: /s/ Fred H. Shepherd  
16 Fred H. Shepherd  
17 *Counsel for Plaintiffs,*  
18 *Charles Hornisher and Patricia Hornisher,*  
19 *individually and as personal representatives*  
20 *of the estate of Eric John Hornisher,*  
21 *deceased*

22 Dated January 21, 2010

KING & SPALDING, LLP

23 By: /s/ Cheryl A. Sabnis  
24 Donald F. Zimmer, Jr.  
25 Cheryl A. Sabnis  
26 Kendra L. Pavkovic  
27 *Counsel for Defendant,*  
28 *GlaxoSmithKline, LLC*

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16 (Shepherd Admitted *Pro Hac Vice*)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

CHARLES HORNISHER and §  
PATRICIA HORNISHER, §  
Individually and as §  
Personal Representatives of the §  
Estate of ERIC JOHN HORNISHER, §  
Deceased, §  
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CASE # 4:09-cv-01453-PJH

vs. §

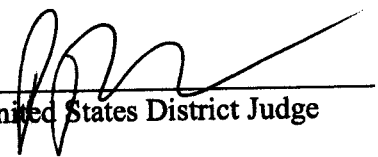
**ORDER OF CONTINUANCE**

ELI LILLY and COMPANY; §  
GLAXOSMITHKLINE, LLC; and §  
JOHN DOES 1-50, §  
Defendants. §

On this date the Court has considered the Joint Stipulation of the parties. The Court, after  
considering the Stipulation hereby rules as follows:

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1. The Hearing is continued from February 17, 2010 until March 3, 2010;
  2. The Hornisher's Response in Opposition is due February 10, 2010; and
  3. GSK's Reply is due February 17, 2010.
- It is so ordered this 22 day of January, 2010.

  
United States District Judge