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7 Attorneys for Defendant
 8 GLAXOSMITHKLINE LLC (formerly known as
 SMITHKLINE BEECHAM CORPORATION d/b/a
 9 GLAXOSMITHKLINE)

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 (OAKLAND DIVISION)

14 CHARLES HORNISHER and PATRICIA
 15 HORNISHER Individually and as Personal
 Representatives of the Estate of ERIC JOHN
 16 HORNISHER, Deceased,

17 Plaintiffs,

18 v.

19 ELI LILLY and COMPANY; SMITHKLINE
 BEECHAM CORP. d/b/a GLAXOSMITHKLINE;
 20 and JOHN DOES 1-50,

21 Defendants.

Case No. 4:09-cv-01453-PJH

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING DISCOVERY
 AND DISPOSITIVE MOTION
 DEADLINES**

1 Plaintiffs Charles and Patricia Hornisher (“Plaintiffs”) and defendant GlaxoSmithKline LLC
2 formerly known as SmithKline Beecham Corporation (“GSK”) by and through their respective
3 counsel of record stipulate and agree as follows:

4 1. The parties are presently engaged in settlement discussions and have agreed to extend
5 the following deadlines to permit them to complete non-expert and expert discovery in the event
6 their discussions do not bear fruit:

- 7 a. **Non-Expert Discovery Cutoff** - Extended approximately 60 days to **August**
8 **11, 2010** (former deadline June 11, 2010);
- 9 b. **Disclosure of Experts** - Extended approximately 60 days as follows:
10 Plaintiff’s disclosures due **September 1, 2010** (former deadline July 1, 2010)
11 and Defendant’s disclosures due **November 17, 2010** (former deadline
12 September 17, 2010);
- 13 c. **Expert Discovery Cutoff:** Extended approximately 60 days as follows:
14 Plaintiff’s experts by **October 13, 2010** (former deadline August 13, 2010)
15 and Defendant’s experts by **December 14, 2010** (former deadline October 14,
16 2010); and
- 17 d. ~~**Dispositive and Daubert Motions Deadlines**~~ Dispositive motions deadline
18 extended approximately 30 days so they are **heard** by **March 9, 2011** (former
19 deadline February 9, 2011); Daubert motions may be noticed for hearing on
20 the date dispositive motions will be heard or on any available hearing date up
21 to and including the date of the final pretrial conference, which is **May 5,**
22 ~~2011.~~ Dispositive Motions are heard no later than 120 days before trial.

23 2. The parties are not currently requesting any change to the Pretrial Conference or Trial
24 dates, which are May 5, 2011 and June 6, 2011, respectively.

1 Dated: June 11, 2010

VICKERY WALDNER & MALLIA, LLP

2
3
4 /s/ Fred H. Shepherd /s/
ARNOLD ANDERSON VICKERY
FRED H. SHEPHERD

5 Attorneys for Plaintiffs
6 CHARLES HORNISHER and PATRICIA
7 HORNISHER

8 Dated: June 11, 2010

KING & SPALDING LLP

9
10 /s/ Cheryl A. Sabnis /s/
DONALD F. ZIMMER, JR.
11 CHERYL A. SABNIS

12 Attorneys for Defendant GLAXOSMITHKLINE LLC
13 (formerly known as SMITHKLINE BEECHAM
CORPORATION)

14 I, Cheryl A. Sabnis, hereby certify that Fred H. Shepherd concurs in the e-filing of this
15 document.

16
17 /s/ Cheryl A. Sabnis /s/
18 CHERYL A. SABNIS

19 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

20
21 Dated: 6/14/10

22 Hon. Phyllis J. Hamilton
23 Judge of

