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 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **OAKLAND DIVISION**

17 STEPHEN WENDELL AND LISA WENDELL,  
 for themselves and as successors in interest to  
 18 MAXX WENDELL, DECEASED,

19 Plaintiffs,

20 v.

21 JOHNSON & JOHNSON; CENTOCOR, INC.;  
 ABBOTT LABORATORIES; SMITHKLINE  
 22 BEECHAM d/b/a GLAXOSMITHKLINE; TEVA  
 PHARMACEUTICALS USA; GATE  
 23 PHARMACEUTICALS, a division of TEVA  
 PHARMACEUTICALS USA; PAR  
 24 PHARMACEUTICAL, INC.;

25 Defendants.

CASE NO. 4:09-CV-04124-CW

**STIPULATION AND ORDER  
 CHANGING SELECTED ADR  
 PROCESS AND EXTENDING  
 DEADLINE FOR CONDUCTING  
 MEDIATION**

Removal Filed: September 4, 2009

1 **STIPULATION**

2 WHEREAS on December 21, 2009, the Court granted the parties' stipulation to pursue  
3 court-connected mediation under ADR L.R. 6;

4 WHEREAS on June 3, 2010, the Court advised the parties to consider private mediation;

5 WHEREAS the parties have discussed the Court's recommendation and now consent to  
6 private mediation;

7 WHEREAS the parties are currently scheduled to conduct a mediation in December 2010;

8 WHEREAS the parties agree that the mediation is more likely to be successful if it is  
9 postponed until after further substantive discovery is completed;

10 WHEREAS the fact discovery deadline is currently set for February 2, 2011;

11 WHEREAS the parties agree that additional time will be needed to complete fact discovery,  
12 but have not yet determined how much additional time will be necessary;

13 WHEREAS the parties plan to confer further regarding scheduling and to request a  
14 continuance of discovery deadlines;

15 **THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

16 1. The parties agree to participate in private mediation in lieu of court-connected  
17 mediation.

18 2. The parties agree to conduct the mediation by June 29, 2011.

19 3. DECLARATION PURSUANT TO L.R. 6-2: The parties declare that: (1) the reason  
20 for the requested enlargement of time is to allow time to prepare for a meaningful mediation; (2)  
21 there has been no previous modification to the schedule for the case; and (3) the parties anticipate  
22 that this time modification will have no effect on the current schedule for the case.

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1 Dated: December 17, 2010.

2 /s/ Kevin Haverty  
3 Kevin Haverty (*pro hac vice*)  
4 WILLIAMS CUKER BEREZOVSKY  
5 Woodland Falls Corporate Park  
6 210 Lake Drive East, Suite 101  
7 Cherry Hill, NJ 08002  
8 *Counsel for Plaintiffs*

/s/ Andrew P. Bautista  
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/s/ Michelle A. Childers  
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and Johnson & Johnson*

/s/ Prentiss W. Hallenbeck, Jr.  
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/s/ William A. Hanssen  
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/s/ Prentiss W. Hallenbeck, Jr.  
Prentiss W. Hallenbeck, Jr. (*pro hac vice*)  
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*Counsel for Par Pharmaceutical, Inc.*

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23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: December 15, 2010

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26 CLAUDIA WILKEN  
27 United States District Judge  
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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on December 17, 2010, I electronically filed the foregoing  
3 STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE FOR CONDUCTING  
4 MEDIATION with the Clerk of the Court using the CM/ECF system which will send notification of  
5 such filing to the email addresses registered, as denoted on the Court's Electronic Mail Notice List,  
6 and I hereby certify that I have mailed a true and correct copy of the foregoing document via the  
7 United States Postal Service to the non-CM/ECF participants listed below:

8 John D. Winter  
9 Patterson, Belknap, Webb & Tyler LLP  
10 1133 Avenue Of The Americas  
11 New York, New York 10036-6710

Jeffrey F. Peck  
Ulmer & Berne LLP  
600 Vine Street, Suite 2800  
Cincinnati, Ohio 45202

12 I declare under penalty of perjury under the laws of the United States that the foregoing is true and  
13 correct.

14 DATED: December 17, 2010

15 By: s/ Traci L. Shafroth

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