1 2 3 4 5	MICHELLE A. CHILDERS (SBN #197064) michelle.childers@dbr.com AMY P. FRENZEN (SBN #245368) amy.frenzen@dbr.com DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105-2235 Telephone: (415) 591-7500 Facsimile: (415) 591-7510	
6 7 8	Attorneys for Defendants CENTOCOR ORTHO BIOTECH INC., erroneously served and sued herein as CENTOCOR, INC., and JOHNSON & JOHNSON	
9	UNITED STATES DISTRICT COURT	
10	NORTHERN DISTRICT OF CALIFORNIA	
11	OAKLAND DIVISION	
12		
13	STEPHEN WENDELL & LISA	Case No. CV-09-4124-CW
14	WENDELL, his wife, for themselves and as successors in interest to MAXX	JOINT STIPULATION FOR FILING OF
15	WENDELL, deceased,	AMENDED COMPLAINT
16	Plaintiffs,	
17	V.	
18	JOHNSON & JOHNSON; CENTOCOR, INC.; ABBOTT LABORATORIES;	
19	SMITHKLINE BEECHAM d/b/a GLAXOSMITHKLINE; TEVA	
20	PHARMACEUTICALS USA; GATE PHARMACEUTICALS, a division of	Amended Complaint: June 10, 2010 Judge: Honorable Claudia Wilken
21	TEVA PHARMACEUTICALS USA; PAR PHARMACEUTICALS; MYLAN LABORATORIES, INC.,	
22	Defendants.	
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DRINKER BIDDLE & REATH LLP ATTORNEYS AT LAW SAN FRANCISCO	JOINT STIPULATION FOR FILING OF AMENDED COMPLAINT SF01/727810.4	CASE NO. 4:09-CV-04124-CW

1 **STIPULATION** WHEREAS, plaintiffs Stephen Wendell and Lisa Wendell, for themselves and as 2 successors-in-interest to Maxx Wendell (hereinafter "Plaintiffs") originally filed this action in San 3 4 Francisco Superior Court on July 2, 2009 (hereinafter "Wendell I"); WHEREAS, on the same day, July 2, 2009, Plaintiffs filed a similar lawsuit in United 5 6 States District Court for the District of New Jersey (hereinafter "Wendell II"); 7 WHEREAS, on October 13, 2010, the district court in New Jersey ordered that Wendell II 8 be transferred to the United States District Court for the Northern District of California; 9 WHEREAS, on December 1, 2010, Plaintiffs moved to deem Wendell II related to Wendell I; 10 11 WHEREAS, Wendell I and Wendell II involve the same parties, arise from the same 12 series of events, and are based on similar complaints; 13 WHEREAS, the parties have stipulated to dismiss Wendell II in order to move forward 14 with a single case rather than proceed with two separate cases; 15 THE PARTIES HEREBY STIPULATE AS FOLLOWS: 16 1. Under Federal Rule of Civil Procedure 15(a)(2), all parties hereto stipulate that 17 Plaintiffs may amend their pleadings in Wendell I to incorporate claims under New Jersey law from the complaint in Wendell II. The proposed amended pleading is attached hereto as 18 19 Exhibit A. 20 /// 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 /// 28 ///

1	2. Defendants acknowledge receipt of the pleading and agree that their amended		
2	answers thereto, or their motions to dismiss any additional claims under New Jersey law, will be		
3	due on March 8, 2011.		
4			
5	/s/ Kevin Haverty	/s/ Andrew P. Bautista	
6	Kevin Haverty (<i>pro hac vice</i>) WILLIAMS CUKER BEREZOVSKY	Andrew P. Bautista (<i>pro hac vice</i>) KIRKLAND & ELLIS LLP	
7	Woodland Falls Corporate Park 210 Lake Drive East, Suite 101	300 North LaSalle Chicago, Illinois 60654	
8	Cherry Hill, NJ 08002 Counsel for Plaintiffs	Counsel for Abbott Laboratories	
9		/ /NC 1 11 A CI 11 I	
10	/s/ Prentiss W. Hallenbeck, Jr. Prentiss W. Hallenbeck, Jr. (pro hac vice)	/s/ Michelle A. Childers Michelle A. Childers	
11	ULMER & BERNE LLP 600 Vine Street, Suite 2800	DRINKER BIDDLE & REATH LLP 50 Freemont Street, 30th Fl.	
12	Cincinnati, OH 45202 Counsel for Par Pharmaceutical, Inc.	San Francisco, CA 94105 Counsel for Centocor Ortho Biotech, Inc. and	
13	Counsel for 1 at 1 narmaceutical, Inc.	Johnson & Johnson	
14	/ / D	/_/TI/'II' A II	
	/s/ Prentiss W. Hallenbeck, Jr. Prentiss W. Hallenbeck, Jr. (pro hac vice)	- \(\frac{\s/\ William \ A. \ Hanssen}{\ \text{William A. Hanssen}}\)	
15	ULMER & BERNE LLP 600 Vine Street, Suite 2800	DRINKER BIDDLE & REATH LLP 333 South Grand Ave., Ste. 1650	
16	Cincinnati, OH 45202 Counsel for Teva Pharmaceuticals USA, Inc.	Los Angeles, CA 90071-1504 Counsel for SmithKline Beecham Corporation	
17	Counsel for Teva I narmaceuteuts Osti, Inc.	d/b/a GlaxoSmithKline	
18			
19			
20	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
21			
22		O	
23	Dated: <u>2/3/2011</u>	(Jacobski KEN	
24		United States District Judge	
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ATTESTATION PURSUANT TO GENERAL ORDER 45 I, Michelle A. Childers, am the ECF user whose ID and password are being used to file

General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing:

this JOINT STIPULATION FOR FILING OF AMENDED COMPLAINT. In compliance with

Kevin Haverty, counsel for Plaintiffs; Prentiss W. Hallenbeck, Jr., counsel for Teva

Pharmaceuticals USA, Inc., and Par Pharmaceutical, Inc.; William A. Hanssen, counsel for

SmithKline Beecham Corporation; and Andrew P. Bautista, counsel for Abbott Laboratories.

/c/ **M**3

______/s/ Michelle A. Childers_