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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STEPHEN WENDELL & LISA WENDELL, his
wife, for themselves and as successors-in-interest to
MAXX WENDELL, deceased,

Plaintiffs,

v.

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

Defendants.

CASE NO. 4:09-CV-04124 CW

**STIPULATED REQUEST FOR AN
ORDER EXTENDING TIME AND
[PROPOSED] ORDER**

Pursuant to Local Rule 6-2(a), the parties jointly request that the deadlines in this case be
extended as set forth herein.

STIPULATION

The current deadline for the parties in the above-captioned case to participate in court-
ordered private mediation is September 15, 2011. The current hearing date on Defendants' motions
for summary judgment is Thursday, September 1, 2011. The parties have agreed to a private

1 mediator, Hon. Rebecca Westerfield, and have worked to schedule a mediation session prior to
2 September 15, 2011. As a result of the difficulty of coordinating the schedules of the seven
3 interested parties, their counsel, and the mediator, however, September 16, 2011 is the earliest date
4 all parties are available to participate in the mediation session. Accordingly, the parties respectfully
5 request that the Court extend the deadline for private mediation by one day to September 16, 2011.
6 All dates apart from the briefing and hearings on Defendants' pending summary judgment motions
7 have been vacated, so a one-day extension of the private mediation deadline likely will not delay the
8 litigation.

9 On or around December 20, 2010, the Court granted a stipulated request to extend the
10 deadline for private mediation from December 2010 to June 29, 2011, on the basis that the mediation
11 was more likely to be successful after the parties had an opportunity to conduct further discovery.

12 On February 3, 2011, the Court granted the parties' stipulated request to extend the fact
13 discovery deadline from February 2, 2011, to June 30, 2011, in light of extensive negotiations
14 required to reach a protective order before documents could be produced by the parties and
15 difficulties defendants experienced in obtaining medical records from third parties. No deadlines
16 other than the fact discovery deadline were affected by this request and order.

17 On or around June 23, 2011 the Court granted the parties' stipulated request to extend the
18 private mediation deadline from June 29, 2011 to September 15, 2011; stay discovery until after the
19 mediation or ruling on Defendants' motions for summary judgment, whichever comes later; and
20 allow the parties to file a proposed scheduling order within two weeks of the mediation (in the event
21 it is unsuccessful) or ruling on defendants' motions for summary judgment, whichever comes later.

22 On July 21, 2011, the Court granted the parties' stipulated request to amend the summary
23 judgment briefing schedule and continue the hearing dates on Defendant SmithKline Beecham d/b/a
24 GlaxoSmithKline's ("GSK") and Defendant Abbott Laboratories' ("Abbott") motions for summary
25 judgment to September 1, 2011, at 2:00pm.

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

2 1. The parties hereto request that the September 15, 2011 deadline for the parties to
3 conduct private mediation be continued to September 16, 2011.

4 2. DECLARATION PURSUANT TO L.R. 6-2(a): The parties declare that (1) the
5 reason for the requested enlargement of time is to allow the parties to engage in mediation; (2) as set
6 forth above, the parties do not anticipate that this extension of the mediation deadline will affect
7 other deadlines.

8 DATED: August 30, 2011.

9 /s/ Kevin Haverty
10 Kevin Haverty (*pro hac vice*)
11 WILLIAMS CUKER BEREZOFKY, LLC
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Counsel for Plaintiffs

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13 /s/ Michelle A. Childers
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16 *Counsel for Centocor Ortho Biotech, Inc.*
17 *and Johnson & Johnson*

/s/ Prentiss W. Hallenbeck
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19 *USA, Inc.*

20 /s/ William A. Hanssen
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24 *Corporation*
25 *d/b/a GlaxoSmithKline*

/s/ Prentiss W. Hallenbeck
Prentiss W. Hallenbeck, Jr. (*pro hac vice*)
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600 Vine Street, Suite 2800
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26 *Counsel for Par Pharmaceutical, Inc.*

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 Dated: **August 30** _____, 2011



CLAUDIA WILKEN
United States District Judge

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/s/ Kevin Haverty
Kevin Haverty, *pro hac vice*

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on August 30, 2011, I electronically filed the foregoing
3 STIPULATED REQUEST FOR ORDER EXTENDING TIME AND [PROPOSED] ORDER with
4 the Clerk of the Court using the CM/ECF system which will send notification of such filing to the
5 email addresses registered, as denoted on the Court's Electronic Mail Notice List, and I hereby
6 certify that I have mailed a true and correct copy of the foregoing document via the United States
7 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
New York, New York 10036-6710

Jeffrey F. Peck
Ulmer & Berne LLP
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Cincinnati, Ohio 45202

11
12
13 DATED: August 30, 2011

14 By: /s/ Kevin Haverty

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16 Kevin Haverty, *pro hac vice*
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