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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

12 STEPHEN WENDELL AND LISA WENDELL,
 for themselves and as successors in interest to
 13 MAXX WENDELL, DECEASED,

14 Plaintiffs,

15 v.

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

20 Defendants.

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

**STIPULATED REQUEST FOR ORDER
 EXTENDING TIME TO FILE
 OPPOSITION TO DEFENDANT
 CENTOCOR'S MOTION FOR
 SUMMARY JUDGMENT**

Removal Filed: September 4, 2009

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23 **STIPULATION**

24 Pursuant to Rule 6-2(a), the parties jointly request that the deadlines be extended as set forth
 25 herein.

26 1. On or about July 7, 2011 all defendants, with the exception of defendants Centocor and
 27 Johnson & Johnson filed motions for summary judgment on proximate causation under the learned
 28 intermediary doctrine.

1 2. The court heard oral argument on those motions on September 1, 2011 but reserved
2 judgment at that time.

3 3. On December 15, 2011, the court entered summary judgment in favor of the moving
4 defendants and invited defendants Centocor and Johnson & Johnson to file a motion for summary
5 judgment—if they so wished—so as to be returnable on January 26, 2012. On December 22, 2011,
6 defendants Centocor and Johnson & Johnson filed a motion for summary judgment returnable on
7 January 26, 2012.

8 4. Pursuant to the local rules of the court, plaintiffs' response is due 21 days before the
9 return date or January 5, 2011. However, one week of the two weeks plaintiffs would ordinarily
10 have had to respond to the motion fell during the holidays between Christmas and New Years Day.

11 5. On January 4, 2012, the parties conferred and agreed to carry the motion return date for
12 one week to permit plaintiffs adequate time to respond.

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

14 1. The parties hereto request that the January 26, 2012 motion return date be carried for
15 one week, or until the next regular motion day.

16 2. Plaintiffs' brief in opposition to defendants' motion for summary judgment shall be
17 due on or before January 12, 2012.

18 3. Defendants' reply brief which was due on January 12, 2012 shall be due on or before
19 January 17, 2012.

20 4. **DECLARATION PURSUANT TO L.R. 6-2(a):** The parties declare that (1) the
21 reason for the requested enlargement of time is to allow the parties adequate time to prepare a
22 responses in light of the intervening holidays. This modification of the motion schedule will not
23 affect other deadlines in the case.

24 **DATED:** January 4, 2012

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/s/ Kevin Haverty
Kevin Haverty (*pro hac vice*)
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/s/ Michelle A. Childers
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*Counsel for Centocor Ortho Biotech, Inc.
and Johnson & Johnson*

PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on the motion and the case management conference will be held on Thursday, February 2, 2012 at 2:00 p.m.

Dated: _ January 5 _, 2012



CLAUDIA WILKEN
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on January 4, 2012, 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.

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

8 DATED: January 4, 2011

9 By: s/ Kevin Haverty

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