

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Clear Form

STEPHEN WENDELL, et al.,

Plaintiff(s),

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

v.

JOHNSON & JOHNSON, et al.,

Defendant(s).

STIPULATION AND ~~[PROPOSED]~~
ORDER SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

- the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*
- other requested deadline July 23, 2010

Dated: _____

Signatures Attached
Attorney for Plaintiff

Dated: _____

Signatures Attached
Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- other July 23, 2010

IT IS SO ORDERED.

12/21/09

Dated:



UNITED STATES DISTRICT JUDGE

Dated: December 10, 2009

/s/ Kevin Haverty

Kevin Haverty (*pro hac vice*)
WILLIAMS CUKER BEREZOVSKY
Woodland Falls Corporate Park
210 Lake Drive East, Suite 101
Cherry Hill, NJ 08002
Counsel for Plaintiffs

/s/ Traci L. Shafroth

Traci L. Shafroth
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
Counsel for Defendant Abbott Laboratories

/s/ Alice Johnston

Alice Johnston (*pro hac vice*)
OBERMAYER REBMANN
MAXWELL & HIPPEL LLP
BNY Mellon Center, Suite 5240
Pittsburgh, PA 15218
*Counsel for Defendant Mylan, Inc. (f/k/a
Mylan Laboratories, Inc.)*

/s/ Michelle A. Childers

Michelle A. Childers
DRINKER BIDDLE & REATH LLP
50 Fremont Street, 30th Fl.
San Francisco, CA 94105
*Counsel for Defendants Centocor Ortho Biotech,
Inc. and Johnson & Johnson*

/s/ Prentiss W. Hallenbeck, Jr.

Prentiss W. Hallenbeck, Jr. (*pro hac vice*)
ULMER & BERNE LLP
600 Vine Street, Suite 2800
Cincinnati, OH 45202
*Counsel for Defendant Teva
Pharmaceuticals USA, Inc.*

/s/ William A. Hanssen

William A. Hanssen
DRINKER BIDDLE & REATH LLP
333 South Grand Ave., Ste. 1700
Los Angeles, CA 90071-1504
*Counsel for Defendant SmithKline Beecham
Corporation d/b/a GlaxoSmithKline*

/s/ Thomas M. Frieder

Thomas M. Frieder
HASSARD BONNINGTON LLP
Two Embarcadero Center
Suite 1800
San Francisco, CA 94111
*Counsel for Defendant
Par Pharmaceutical, Inc.*

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Traci L. Shafroth, am the ECF user whose ID and password are being used to file this STIPULATION AND PROPOSED ORDER SELECTING ADR PROCESS. In compliance with General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing: Kevin Haverty, counsel for Plaintiffs; Alice Johnston, counsel for Mylan, Inc.; Michelle A. Childers, counsel for Centocor Ortho Biotech, Inc. and Johnson & Johnson; Prentiss W. Hallenbeck, Jr, counsel for Teva Pharmaceuticals USA, Inc., Thomas M. Frieder counsel for Par Pharmaceuticals, Inc.; and William A. Hanssen, counsel for SmithKline Beecham Corporation.

/s/ Traci L. Shafroth

CERTIFICATE OF SERVICE

I, Traci L. Shafroth, declare:

I am a citizen of the United States and employed in Cook County, Chicago. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Kirkland & Ellis LLP, 555 California Street, San Francisco, CA 94104. On December 10, 2009, I electronically filed the following with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered e-mail addresses in this matter, and I hereby certify that I have served the following documents or paper via U.S. mail to the non-CM/ECF participants:

STIPULATION AND PROPOSED ORDER SELECTING ADR PROCESS

/s/ Traci L. Shafroth