

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA BAIN, et al.,
Plaintiffs,
v.
ASTRAZENECA, LP, et al.,
Defendants.

LISA SAUNDERS, et al.,
Plaintiffs,
v.
ASTRAZENECA, LP, et al.,
Defendants.

KIMBERLY KESSLER, et al.,
Plaintiffs,
v.
ASTRAZENECA, LP, et al.,
Defendants.

CYNTHIA ARNOLD, et al.,
Plaintiffs,
v.
ASTRAZENECA, LP, et al.,
Defendants.

No. C 09-4147 CW

ORDER GRANTING
JOINT MOTION FOR
AN ORDER TO SHOW
CAUSE AND TO
EXTEND TIME TO
FINALIZE REMAINING
CLAIMS AND
CONTINUING CASE
MANAGEMENT
CONFERENCE

No. C 09-4148 CW

No. C 09-4149 CW

No. C 09-4157 CW

1 The Miller Firm filed the above-captioned actions on behalf
2 of 418 Plaintiffs alleging injuries from their ingestion of the
3 pharmaceutical drug, Seroquel. Plaintiffs' counsel represents
4 that it has entered into a Master Settlement Agreement (MSA) with
5 Defendants as to most cases involving Plaintiffs represented by
6 Plaintiffs' counsel. On September 21, 2012, the parties filed
7 stipulated dismissals of the claims brought by 306 of the
8 Plaintiffs.

9 On September 20 and 21, 2012, Plaintiffs' counsel indicated
10 that seventy-seven Plaintiffs listed in Exhibit B to the September
11 20 report have failed to respond to counsel's extensive efforts to
12 contact them and have not indicated whether they will or will not
13 participate in the MSA according to its terms.¹ The parties move
14 for an order to show cause why claims brought by these Plaintiffs
15 should not be dismissed with prejudice.

16 Having considered the papers filed by the parties, the Court
17 ORDERS the Plaintiffs listed in Exhibit B to show cause, within
18 twenty-one days of the date of this Order, why their cases should
19 not be dismissed with prejudice. Alternatively, Plaintiffs may
20 have new counsel appear before this Court on their behalf, or may
21 communicate with counsel regarding their agreement to or rejection
22 of the MSA. Plaintiffs are admonished that if they fail to comply
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25 ¹ Exhibit B to the September 20, 2012 status report listed
26 seventy-nine Plaintiffs. Counsel indicates that Christopher
27 Linville, who is not a named Plaintiff in any of the above
28 captioned cases, was erroneously included. The parties have
already stipulated to dismiss the claims brought by Plaintiff
Denita Jackson, who was also included in Exhibit B. Accordingly,
in this Order, references to the Plaintiffs listed in Exhibit B do
not include Jackson and Linville.

1 with the terms of this order, their claims will be dismissed with
2 prejudice.

3 Plaintiffs' counsel is ORDERED to provide notice of this
4 Order to the seventy-seven Plaintiffs listed in Exhibit B, based
5 on the best available contact information, and to file a
6 certification that such notice has been sent, with three days of
7 the date of this Order. Plaintiffs' counsel is also ORDERED to
8 file, in twenty-two days from the date of this Order, a
9 declaration stating whether these Plaintiffs have since
10 communicated with counsel regarding their agreement to or
11 rejection of the MSA.

12 The parties also seek thirty additional days to finalize the
13 participation in the MSA of twenty-nine Plaintiffs, who are listed
14 in Exhibit A to their joint motion. The parties represent that
15 these claims primarily involve Plaintiffs who have recently been
16 located and wish to participate in the MSA, and those acting in a
17 representative capacity for another individual. The Court GRANTS
18 their request and extends the deadline to finalize the remaining
19 claims to Monday, October 22, 2012.

20 The case management conference currently set for October 10,
21 2012 is hereby CONTINUED to November 7, 2012 at 2:00 p.m. The
22 parties shall include in their case management statement, due one
23 week before the conference, a list of the remaining Plaintiffs.

24 IT IS SO ORDERED.

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26 Dated: 9/26/2012



CLAUDIA WILKEN
United States District Judge

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