

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.

No. C 09-4147 CW
ORDER GRANTING
CERTAIN
PLAINTIFFS' MOTION
TO EXTEND TIME,
DISCHARGING ORDER
TO SHOW CAUSE AS
TO THESE
PLAINTIFFS,
ORDERING COUNSEL
TO FILE A
DECLARATION AND
MAINTAINING CASE
MANAGEMENT
CONFERENCE

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

No. C 09-4148 CW

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

No. C 09-4149 CW

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

No. C 09-4157 CW

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ANGEL COLON, et al.,
Plaintiffs,

v.

ASTRAZENECA, LP, et al.,
Defendants.

No. C 09-4158 CW

MARK COFFEY, et al.,
Plaintiffs,

v.

ASTRAZENECA, LP, et al.,
Defendants.

No. C 09-4161 CW

SHARON DISTON, et al.,
Plaintiffs,

v.

ASTRAZENECA, LP, et al.,
Defendants.

No. C 09-4165 CW

DAMON BROWN, et al.,
Plaintiffs,

v.

ASTRAZENECA, LP, et al.,
Defendants.

No. C 10-0288 CW

DENNIS O'BRIEN, et al.,
Plaintiffs,

v.

ASTRAZENECA, LP, et al.,
Defendants.

No. C 10-0289 CW

1 On September 20 and 21, 2012, Plaintiffs' counsel indicated
2 that seventy-seven Plaintiffs had failed to respond to counsel's
3 extensive efforts to contact them and have not indicated whether
4 they will or will not participate in the Master Settlement
5 Agreement (MSA) reached in these cases. The parties jointly moved
6 for an order to show cause why claims brought by these Plaintiffs
7 should not be dismissed with prejudice.

8 On September 26, 2012, the Court granted the motion and
9 ordered the seventy-seven Plaintiffs to show cause, within twenty-
10 one days of the date of the Order, why their cases should not be
11 dismissed with prejudice. The Court also stated that these
12 Plaintiffs alternatively could have new counsel appear before this
13 Court on their behalf, or may communicate with counsel regarding
14 their agreement to or rejection of the MSA. The Court further
15 ordered Plaintiffs' counsel to provide notice of the Order to the
16 seventy-seven Plaintiffs and to file a certification that such
17 notice had been sent. Finally, the Court ordered Plaintiffs'
18 counsel to file, within twenty-two days from the date of the
19 Order, a declaration stating whether these Plaintiffs have since
20 communicated with counsel regarding their agreement to or
21 rejection of the MSA.

22 On September 28, 2012, Plaintiffs' counsel filed a
23 certificate of service attesting that the Court's September 26,
24 2012 Order had been served upon the seventy-seven Plaintiffs.¹

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26 ¹ Plaintiffs' counsel filed this declaration in the docket of
27 only one of the above-named cases, see Docket No. 56 in 09-4147,
28 but included all of the cases in the caption of the document. In
the future, counsel shall file documents in the dockets of all
cases included in the document's caption.

1 On October 17 and 19, 2012, Plaintiffs' counsel filed a
2 motion on behalf of twelve of the seventy-seven Plaintiffs,
3 stating that these twelve Plaintiffs had contacted counsel about
4 the September 26, 2012 Order and had expressed a desire to
5 participate in the MSA, and requesting that the Court allow them
6 until Monday, October 22, 2012 to finalize their claims.

7 Upon consideration of these twelve Plaintiffs' Motion, and
8 for good cause shown, the Court GRANTS their request and extends
9 the deadline to finalize their claims to Monday, October 22, 2012
10 (Docket Nos. 49 in 09-4148, 51 in 09-4149, 59 and 60 in 09-4157,
11 53 in 09-4158, 51 in 09-4161, 46 in 10-288). The Court further
12 DISCHARGES the order to show cause as to these twelve Plaintiffs.

13 The Court notes that, in these motions, Plaintiffs' counsel
14 did not indicate whether the other sixty-five Plaintiffs addressed
15 in the September 26, 2012 Order have communicated with counsel
16 regarding their agreement to or rejection of the MSA. Counsel
17 also has not filed a separate declaration addressing this, as
18 required in the September 26, 2012 Order. The Court ORDERS
19 counsel to file a declaration addressing the status of these
20 sixty-five Plaintiffs by Monday, October 22, 2012.

21 The Court MAINTAINS the case management conference that is
22 currently set for November 7, 2012 at 2:00 p.m. The parties shall
23 include in their case management statement, due one week before
24 the conference, a list of the remaining Plaintiffs.

25 IT IS SO ORDERED.

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27 Dated: October 19, 2012


CLAUDIA WILKEN
United States District Judge

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