

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

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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 IN
PART, DENYING IN
PART AND DEFFERING
IN PART MOTION TO
EXTEND TIME TO
FINALIZE
PARTICIPATION IN
MASTER SETTLEMENT
AGREEMENT

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

No. C 09-4148 CW

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

No. C 09-4149 CW

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

No. C 09-4157 CW

1 Fourteen Plaintiffs¹ represented by The Miller Firm in the
2 above-captioned cases move for an order extending time to finalize
3 their participation in the Master Settlement Agreement (MSA). See
4 Docket Nos. 71 in 09-4147, 65 in 09-4148, 70 in 09-4149, 75 in 09-
5 4157, 69 in 09-4158, 65 in 09-4165, 59 in 10-288 and 60 in 10-289.
6 The Court GRANTS the motion as to the eleven Plaintiffs listed
7 below in Table A and extends the deadline to January 7, 2013 for
8 these Plaintiffs. The Court also extends the deadline to January
9 7, 2013 for Plaintiff Tami Moellenberndt in Case No. 09-4149, who
10 appears to have been inadvertently omitted from the instant
11 motion.

12 The Court DENIES the motion as to Plaintiff Mary Duncan, who
13 has already stipulated to dismiss the claims that she brought as
14 the Personal Representative for the Estate of Glenn Duncan on
15 December 5, 2012. See Docket No. 66 in Case No. 09-4165; see also
16 Dickens 2nd Decl. ¶ 15, Docket No. 64 in Case No. 09-4165
17 (attesting that "Mary Duncan brought this action as the Personal
18 Representative for the Estate of Glenn Duncan" and that her claim
19 "has been dismissed with prejudice and the parties have entered
20 into a full release of all claims against Defendants for the
21 injuries sustained by Glenn Duncan").

22 The Court DEFERS ruling on the request to extend time to
23 resolve the claims of Plaintiffs Beverly Sheffield and Robert
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26 ¹ Counsel states that the motion is brought on behalf of
27 thirteen Plaintiffs and identifies thirteen Plaintiffs in
28 Attachment A to the motion. One additional Plaintiff, Daniel
Anderson, is addressed in counsel's declaration in support of the
motion but is not listed in Attachment A. Dickens 1st Decl. ¶ 9,
Docket No. 65-2 in Case No. 09-4165.

1 Guffee. In an affidavit filed by counsel on December 3, 2012,
2 counsel attests that Ms. Sheffield brought her claim as the
3 representative of the estate of Donald Sheffield and that Mr.
4 Guffee brought his claim as the representative of the estate of
5 Glenda Guffee. Dickens 2nd Decl. ¶¶ 12, 14, Docket No. 64 in Case
6 No. 09-4165. In that affidavit, counsel stated that Ms.
7 Sheffield's and Mr. Guffee's claims had already "been dismissed
8 with prejudice" and that "the parties have entered into a full
9 release of all claims against Defendants for the injuries
10 sustained" by Donald Sheffield and Glenda Guffee. Id. However,
11 as of the date of this Order, no such dismissals have been filed.
12 Further, in counsel's declaration in support of the instant
13 motion, filed on December 4, 2012, counsel states that, before it
14 can finalize their settlements, The Miller Firm is awaiting
15 additional information from these Plaintiffs or other survivors of
16 the Donald Sheffield and Glenda Guffee. Dickens 1st Decl. ¶¶ 3,
17 11, 16, Docket No. 65-2 in Case No. 09-4165.

18 By Monday, December 10, 2012, the Miller Firm shall file
19 stipulations of dismissal on behalf of these two Plaintiffs or
20 shall file a further declaration clarifying the status of their
21 claims.

22 IT IS SO ORDERED.

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24 Dated: 12/7/2012


CLAUDIA WILKEN
United States District Judge

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TABLE A

	<u>Plaintiff</u>	<u>Case No.</u>
1	Aldmon, Keith	09-4147
2	Sapienza, Sam	09-4148
3	Mitchell, Dan (as Representative for James Mitchell)	09-4149
4	Bigford, Bobbie	09-4157
5	Bootie, Annie	09-4157
6	Anderson, Daniel	09-4158
7	Boury, Bill	09-4158
8	Hill, Regena	09-4165
9	Camacho, Rosemary	10-288
10	Horridge, Mark	10-288
11	Nance, Orville	10-289