

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 ADDRESSING  
FUTURE FILINGS AND  
DATES AND GRANTING  
LEAVE TO FILE  
CERTAIN DOCUMENTS  
UNDER SEAL FOR IN  
CAMERA REVIEW

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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 DONALD BATES, et al.,

No. C 09-4150 CW

2 Plaintiffs,

3 v.

4 ASTRAZENECA, LP, et al.,

5 Defendants.

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7 CAROLYN HARRISON, et al.,

No. C 09-4151 CW

8 Plaintiffs,

9 v.

10 ASTRAZENECA, LP, et al.,

11 Defendants.

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13 TODD BOGGIS, et al.,

No. C 09-4159 CW

14 Plaintiffs,

15 v.

16 ASTRAZENECA, LP, et al.,

17 Defendants.

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19 ANTONIO BURTON, et al.,

No. C 09-4162 CW

20 Plaintiffs,

21 v.

22 ASTRAZENECA, LP, et al.,

23 Defendants.

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1 GLORIA MILLER, et al.,  
2 Plaintiffs,

No. C 09-4163 CW

3 v.

4 ASTRAZENECA, LP, et al.,  
5 Defendants.

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7 BONG NGYUEN, et al.,  
8 Plaintiffs,

No. C 09-4166 CW

9 v.

10 ASTRAZENECA, LP, et al.,  
11 Defendants.

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13 On December 12, 2012, the Court held a case management  
14 conference and hearing on various motions to withdraw as counsel  
15 in the above-captioned cases. The Court set a further case  
16 management conference for Wednesday, January 9, 2013 at 2:00 p.m.

17 The Court previously extended the deadline for certain  
18 Plaintiffs represented by the Miller Firm to finalize their  
19 participation in the Master Settlement Agreement (MSA) until  
20 January 7, 2013. The Court now extends the deadline for the  
21 remaining Plaintiffs represented by the Mulligan Law Firm, Bobby  
22 Gott, Pamela Hoard and Michael Debelis, until January 7, 2013 to  
23 finalize their participation in the MSA or otherwise resolve their  
24 claims. If needed, counsel may file a further motion to extend  
25 this deadline.

26 Prior to finalizing the settlements or otherwise dismissing  
27 the claims of any remaining Plaintiff represented by either firm,  
28 the Court directs the Miller Firm and the Mulligan Law Firm to

1 advise the Plaintiff in writing of certain inaccuracies in prior  
2 communications discussed at the case management conference.  
3 Before providing this letter to any of these Plaintiffs, the  
4 Miller Firm and the Mulligan Law Firm shall submit it for the  
5 Court's review and approval. They are granted leave to file the  
6 letters under seal for in camera review.

7       By January 10, 2013, the Miller Firm and the Mulligan Law  
8 Firm shall file sworn declarations from each of their past or  
9 present employees who communicated with the Plaintiffs for whom  
10 stipulations of dismissal have already been filed. In these  
11 declarations, the declarant shall address the matters specified by  
12 the Court at the case management conference. If counsel is unable  
13 to obtain declarations from certain employees by that date,  
14 counsel shall file a declaration stating the names of these  
15 employees and what efforts were made to obtain a declaration.  
16 Counsel is granted leave to file each of these declarations under  
17 seal for in camera review. By that date, counsel may also file a  
18 legal brief addressing the propriety of the communications that  
19 counsel and the Garretson Resolution Group sent.

20       At the hearing, the Court granted the motions to withdraw as  
21 counsel for Plaintiffs Bevelon Johnson through her survivors,  
22 Maxine Roark and Carol Scaramuzza. Pursuant to Civil Local Rule  
23 11-5, withdrawal is subject to the condition that papers may  
24 continue to be served on counsel for forwarding purposes, unless  
25 and until these Plaintiffs appear by other counsel or pro se. The  
26 Court directs their former counsel to provide a copy of this  
27 order, and notice to these Plaintiffs or their survivors that the  
28 Court has granted the motion to withdraw, subject to the condition

1 specified above, that a case management conference will be held  
2 before this Court on January 9, 2013 at 2:00 p.m. and that these  
3 Plaintiffs must attend in person or through new counsel, or their  
4 cases will be dismissed for failure to prosecute. Counsel shall  
5 serve this notice on these Plaintiffs within three days of the  
6 date of this Order and shall file a declaration attesting that  
7 they have done by that date.

8         At the hearing, the Court deferred ruling on the Miller  
9 Firm's motion to withdraw as counsel for Lynus Stewart. The Court  
10 noted that, from the evidence attached to the declaration of David  
11 Dickens regarding Mr. Stewart, it appeared that counsel had served  
12 Mr. Stewart with notice of the motion at an address counsel had in  
13 October 2012, but did not send a copy to a new physical address  
14 for Mr. Stewart that counsel located in early November 2012. The  
15 Court sets Wednesday, January 9, 2013 at 2:00 p.m. for a further  
16 hearing on the Miller Firm's motion to withdraw as counsel and  
17 January 7, 2013 as the deadline for Mr. Stewart to file any  
18 opposition or other response to the motion. The Court directs the  
19 Miller Firm to serve further notice of the motion on Mr. Stewart  
20 at all addresses that it has for him within three days of the date  
21 of this Order and to file proof of service with the Court.

22         By Wednesday, December 19, 2013, the parties shall notify the  
23 Court if they have agreed to private mediation with the previous  
24 mediator. If they do not, they will be referred to a Magistrate  
25 Judge for a settlement conference regarding the claims made by  
26 Plaintiff Eric Negray and any other Plaintiffs who may wish to  
27 proceed with litigation.

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The Miller Firm, the Mulligan Law Firm and counsel for Defendants are granted leave to appear by telephone at the January 9, 2013 case management conference and motion hearing.

IT IS SO ORDERED.

Dated: 12/14/2012

  
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CLAUDIA WILKEN  
United States District Judge