

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

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

No. C 09-4147 CW  
ORDER SETTING CASE  
MANAGEMENT  
CONFERENCE AND  
ADDRESSING FUTURE  
FILINGS AND  
DEADLINES

\_\_\_\_\_  
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

United States District Court  
For the Northern District of California



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 ANTONIO BURTON, et al., No. C 09-4162 CW  
8 Plaintiffs,  
9 v.  
10 ASTRAZENECA, LP, et al.,  
11 Defendants.

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13 BONG NGYUEN, et al., No. C 09-4166 CW  
14 Plaintiffs,  
15 v.  
16 ASTRAZENECA, LP, et al.,  
17 Defendants.

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19 The Court SETS a further case management conference for  
20 Thursday, February 14, 2013 at 2:00 p.m. in the above-captioned  
21 cases, except Case Nos. 09-4162 and 09-4166.

22 On December 12, 2012, the Court granted motions to withdraw  
23 as counsel for Plaintiffs Bevelon Johnson through her survivors,  
24 Maxine Roark and Carol Scaramuzza. Thereafter, pursuant to Court  
25 order, the Mulligan Law Firm provided Ms. Johnson and Ms. Roark or  
26 their survivors with a copy of the Court's December 14, 2012 order  
27 and notice that the Court had granted the motions to withdraw and  
28 that they were required to attend the January 9, 2013 case

1 management conference in person or through new counsel, or their  
2 cases would be dismissed for failure to prosecute. See Orr Decl.  
3 ¶¶ 2-4, Docket No. 74 in Case No. 09-4162. The Miller Firm  
4 provided similar notice to Ms. Scaramuzza. See Dickens Decl.  
5 ¶¶ 3-5, Docket No. 81 in Case No. 09-4148. None of Ms. Johnson's  
6 survivors, Ms. Roark or Ms. Scaramuzza appeared at the January 9,  
7 2013 case management conference in person or through new counsel.  
8 Accordingly, the Court DISMISSES their claims without prejudice  
9 for failure to prosecute. These dismissals resolve the claims of  
10 the last Plaintiffs in Case Nos. 09-4162 and 09-4166.

11 At the January 9, 2013 hearing, the Court granted the Miller  
12 Firm's motion to withdraw as counsel for Plaintiff Lynus Stewart.  
13 Pursuant to Civil Local Rule 11-5, withdrawal is subject to the  
14 condition that papers may continue to be served on counsel for  
15 forwarding purposes, unless and until Mr. Stewart appears by other  
16 counsel or pro se. The Court directs the Miller Firm to provide a  
17 copy of this Order to Mr. Stewart, along with notice that the  
18 Court has granted the motion to withdraw, subject to the condition  
19 specified above, that a case management conference will be held  
20 before this Court on February 14, 2013 at 2:00 p.m. and that he  
21 must attend in person or through new counsel, or his case will be  
22 dismissed for failure to prosecute. The Miller Firm shall serve  
23 these documents on Mr. Stewart within three days of the date of  
24 this Order and by that date shall also file a declaration  
25 attesting that it has done so.

26 Plaintiffs' counsel is directed to file a case management  
27 statement one week before the February 14, 2013 conference setting  
28 forth the current status of each remaining Plaintiff. The Court

1 notes that, at the January 9, 2013 hearing, the Miller Firm  
2 indicated that it intended to move to withdraw as counsel for  
3 Plaintiffs Rosemary Camacho and Miguel Porto. At that time, the  
4 Court directed it to do so by January 10, 2013 and to notice the  
5 motions for hearing on February 14, 2013. On January 10, 2013,  
6 the Miller Firm moved to withdraw as counsel for Mr. Porto only  
7 and did not file a similar motion to withdraw as counsel for Ms.  
8 Camacho.

9 The Miller Firm, the Mulligan Law Firm and counsel for  
10 Defendants are granted leave to appear by telephone at the  
11 February 14, 2013 case management conference and hearing.

12 IT IS SO ORDERED.

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14 Dated: 1/14/2013

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CLAUDIA WILKEN  
United States District Judge