

1 TODD MATTHEW MALYNN, State Bar No. 181595
 JAMES A. GALE, FL State Bar No. 371726
 2 FELDMAN GALE, P.A.
 880 W. 1st Street, Suite 315
 3 Promenade West
 Los Angeles, CA 90012-2430
 4 Tel: 213.625.5992
 Fax: 213.625.5993

5 Attorneys for Plaintiff, BLAIR KILAND

6 DAVID J. MICLEAN, State Bar No. 115098
 7 THE MICLEAN LAW GROUP
 303 Twin Dolphin Drive
 8 Suite 600
 Redwood Shores, CA 94065
 9 Tel: 650.684-1181
 Fax: 650.684.1182

10 Attorneys for Plaintiffs,
11 BLAIR KILAND AND ST. JUDE MEDICAL S.C., INC.

12 CECILY A. WATERMAN, State Bar No. 063502
 ADELMISE R. WARNER, State Bar No. 215385
 13 MORGAN, LEWIS & BOCKIUS LLP
 One Market, Spear Street Tower
 14 San Francisco, CA 94105
 Tel: 415.442.1000
 15 Fax: 415.442.1001

16 Attorneys for Defendants
17 BOSTON SCIENTIFIC CORPORATION AND
GUIDANT SALES CORPORATION
(Additional Defendants' Counsel Listed on Following
18 Page)

19
20 UNITED STATES DISTRICT COURT

21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 BLAIR KILAND AND ST. JUDE
MEDICAL S.C., INC.,

23 Plaintiff,

24 vs.

25 BOSTON SCIENTIFIC CORPORATION
AND GUIDANT SALES CORPORATION
26 AND DOES 1 THROUGH 50 INCLUSIVE,

27 Defendants.

Case No. CV 10-4105 SBA

**AMENDED STIPULATION AND
ORDER CONTINUING THE ADR
DEADLINE FOR CONDUCTING
PRIVATE MEDIATION**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ADDITIONAL DEFENDANTS' COUNSEL

ROBERT L. SCHNELL, JR., MN State Bar No. 97329
MARTIN S. CHESTER, MN State Bar No. 031514
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-
Tel: 612-766-7000
(*PRO HAC VICE*)

Attorneys for Defendants
BOSTON SCIENTIFIC CORPORATION AND GUIDANT SALES CORPORATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiffs Blair Kiland and St. Jude Medical S.C., Inc. (“Plaintiffs”) and Defendants Boston Scientific Corporation and Guidant Sales Corporation (collectively “Defendants” or “Boston Scientific”), by and through their respective counsel of record, jointly submit this AMENDED Stipulation and [Proposed] Order Continuing the ADR Deadline for Conducting Private Mediation, and stipulate as follows:

WHEREAS, on April 1, 2011, the Court issued an order resolving cross-motions pertaining to venue, ordering, *inter alia*, that Plaintiffs’ claims are properly venued, and are to proceed, in this Court and that Defendant Boston Scientific Corporation is enjoined from proceeding in the action it filed in Minnesota;

WHEREAS, on April 12, 2011, the parties engaged in a case management/Rule 26(f) teleconference for the purpose of drafting a Joint Case Management Statement to be timely filed in advance of an upcoming April 27, 2011 Case Management Conference per the Court’s December 29, 2010 Order;

WHEREAS, in reviewing the Court docket promptly after the aforesaid teleconference, the parties focused on the Court’s January 3, 2011 Order requiring completion of the mediation by April 4, 2011;

WHEREAS, although counsel for both sides had timely received electronic service of the aforesaid January 3, 2011 Order, counsel for both sides failed to focus on the deadline during the pendency of a decision on the parties’ aforesaid cross-motions pertaining to venue;

WHEREAS, the aforesaid omission was an honest mistake made by all counsel while they were awaiting the Court’s ruling on the aforesaid cross-motions pertaining to venue (now resolved as of April 1st), for which the undersigned respectfully apologize to the Court;

WHEREAS, the parties had held discovery in abeyance pending resolution of the aforesaid motions (now resolved as of April 1st);

WHEREAS, the parties would have previously requested a continuance of the mediation deadline set by the aforesaid January 3, 2011 Order until some period of time after resolution of the aforesaid motions, had they focused on the April 3 deadline;

///

1 WHEREAS, in light of the Court's aforesaid April 1st Order, the parties are now prepared
2 to engage in discovery, and they continue to be willing to conduct private mediation; and

3 WHEREAS, the parties have met and conferred, and have agreed that they need until
4 September 15, 2011 to conduct a private mediation session.

5 THEREFORE, THE PARTIES HEREBY STIPULATE and respectfully request that the
6 Court extend the deadline for conduct private mediation to September 15, 2011.¹

7 Dated: April 18, 2011

FELDMAN GALE, P.A.

8 By: /s/ Todd Matthew Malynn

9 Todd Matthew Malynn
10 Attorneys for Plaintiff,
BLAIR KILAND

11 Dated: April 18, 2011

THE MICLEAN LAW GROUP

12 By: /s/ David J. Miclean

13 David J. Miclean
14 Attorneys for Plaintiffs,
BLAIR KILAND AND
15 ST. JUDE MEDICAL S.C., INC.

16 Dated: April 18, 2011

MORGAN, LEWIS & BOCKIUS LLP

17 By: /s/ Adelmise Rosemé Warner

18 Cecily A. Waterman
19 Adelmise R. Warner
Attorneys for Defendants
20 BOSTON SCIENTIFIC CORP. AND
GUIDANT SALES CORPORATION

21 Dated: April 18, 2011

FAEGRE & BENSON LLP

22 By: /s/ Martin S. Chester

23 Martin S. Chester
24 Attorneys for Defendants
BOSTON SCIENTIFIC CORP. AND
25 GUIDANT SALES CORPORATION

26
27
28 ¹ The parties, by and through their counsel of record, jointly submit this amended
Stipulation because they had inadvertently left out "September 15, 2011" at page 3, lines 3 and 6
of the Stipulation. However, that date was included in the [Proposed] Order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to the Parties' STIPULATION AND [PROPOSED] ORDER CONTINUING THE ADR DEADLINE FOR CONDUCTING PRIVATE MEDIATION, the Court hereby orders that the parties conduct the private mediation session no later than September 15, 2011.

IT IS SO ORDERED.

Date: 4/19/11



SAUNDRA BROWN ARMS TRONG
U.S. District Court Judge