

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

DYLAN M. CARSON (SBN 237721)
dylan.carson@tuckerellis.com
AVRIL G. LOVE (SBN 237028)
avril.love@tuckerellis.com
MONEE A. TAKLA (SBN 259468)
monee.takla@tuckerellis.com
TUCKER ELLIS & WEST LLP
515 South Flower Street, Forty-Second Floor
Los Angeles, CA 90071-2223
Telephone: 213.430.3400
Facsimile: 213.430.3409

Attorneys for Defendants
ACTAVIS TOTOWA LLC, ACTAVIS INC.,
ACTAVIS ELIZABETH LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JAMI PALLADINO, Individually and on
Behalf of the Estate of KENNETH SLOUGH,

Plaintiff,

v.

ACTAVIS TOTOWA, LLC, ACTAVIS, INC.,
ACTAVIS ELIZABETH, LLC, MYLAN, INC.,
MYLAN PHARMACEUTICALS, INC.,
MYLAND BERTEK PHARMACEUTICALS,
INC., and UDL LABORATORIES, INC.

Defendants.

Case No. 3:11-cv-01531-JCS
Assigned to Honorable Joseph C. Spero

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

Complaint Filed: March 30, 2011

Under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties in this action hereby stipulate to the dismissal of this action without prejudice. The parties hereby agree that, should Plaintiff re-file this case, the applicable statute of limitations will relate back to March 30, 2011, the date of filing in this action. Plaintiff received no further consideration for agreeing to this dismissal. It is further stipulated by and among the parties to this action that each party will bear its own attorneys' fees and costs.

///
///
///

TUCKER ELLIS & WEST LLP
Cleveland ♦ Columbus ♦ Los Angeles ♦ San Francisco

1 Respectfully submitted,

2 O'DONNELL & SMITH

3 s/ James Joseph O'Donnell
4 James Joseph O'Donnell
5 Sara Ann Smith
6 309 Lennon Lane, Suite 101
7 Walnut Creek, California 94598
8 Tel: (925) 935-1707
9 Fax: (925) 935-9625
10 Email: oandslaw@aol.com

11 *Attorneys for Plaintiff*

TUCKER ELLIS & WEST LLP

s/ Dylan M. Carson
Dylan M. Carson
Avril G. Love
Monee A. Takla
515 S. Flower Street, 42nd Floor
Los Angeles, California 90071
Tel: (213) 430-3400
Fax: (213) 430-3409
Email: dylan.carson@tuckerellis.com
avril.love@tuckerellis.com
monee.takla@tuckerellis.com

*Attorneys for Defendants Actavis Totowa LLC,
Actavis Inc., and Actavis Elizabeth LLC*

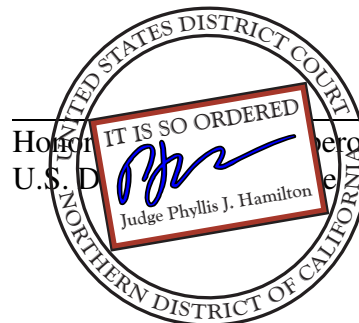
SHOOK, HARDY & BACON LLP

s/ Alicia J. Donahue
Alicia J. Donahue
Tiffany F. Lim
One Montgomery, Suite 2700
San Francisco, California 94104
Tel: (415) 544-1900
Fax: (415) 391-0281
Email: adonahue@shb.com
t.lim@shb.com

*Attorneys for Defendants Mylan Inc., Mylan
Pharmaceuticals Inc., Mylan Bertek
Pharmaceuticals Inc., and UDL Laboratories,
Inc.*

18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 DATED: June 10, 2011



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

CERTIFICATE OF SERVICE

I hereby certify that, on June 1, 2011, a copy of the foregoing **STIPULATION OF DISMISSAL** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

TUCKER ELLIS & WEST LLP

s/ Dylan M. Carson
Dylan M. Carson
Avril G. Love
Monee A. Takla
515 S. Flower Street, 42nd Floor
Los Angeles, California 90071
Tel: (213) 430-3400
Fax: (213) 430-3409
Email: dylan.carson@tuckerellis.com
avril.love@tuckerellis.com
monee.takla@tuckerellis.com

*Attorneys for Defendants Actavis Totowa LLC,
Actavis Inc., and Actavis Elizabeth LLC*