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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)**

DONNA BLALOCK; JAMES
BLALOCK; WENDELL BROWN;
DENNIS GODWIN; JAMES HANCOCK;
SHIRLEY HANCOCK; THOMAS
JAMES; MARY JAMES; TERRY
KEIBLER; RITA KEYS; DAN KEYS;
WILLIAM LINDSEY; LISA LINDSEY;
BRIAN LOBB; JAMES LOVELL;
EDWARD MOORE; and JULIUS
RIDDICK,

Plaintiffs,

v.

DEPUY ORTHOPAEDICS, INC.,
THOMAS P. SCHMALZRIED, M.D., A
PROFESSIONAL CORPORATION; and
DOES 1 through 20, inclusive,

Defendants.

CASE NO. 3:11-cv-04746-SBA

[State Case No. CGC-11-513626]

**ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT (L.R. 6-1) RE
THOMAS P. SCHMALZRIED, M.D., A
PROFESSIONAL CORPORATION**

Complaint served: August 29, 2011
Removal Date: September 22, 2011
Current Response Date: October 29, 2011
Agreed Response Date: after ruling on
pending motions

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendant Thomas P. Schmalzried, M.D., A Professional Corporation (“Defendant”) hereby requests, and Plaintiffs Donna Blalock; James Blalock; Wendell Brown; Dennis Godwin; James Hancock; Shirley Hancock; Thomas James; Mary James; Terry Keibler; Rita Keys; Dan Keys; William Lindsey; Lisa Lindsey; Brian Lobb; James Lovell; Edward Moore; and Julius

1 Riddick (“Plaintiffs”) hereby agree to Defendant’s request, for an extension of time for
2 Defendant to file a response to Plaintiffs’ Complaint as follows:

3 WHEREAS, Plaintiffs’ Complaint was filed in state court on August 24, 2011 and
4 Defendant was served on or about August 29, 2011;

5 WHEREAS, this matter was removed to this court on September 22, 2011;

6 WHEREAS, Defendant and Plaintiff previously stipulated to a 30-day extension of time
7 for Defendant to respond up to October 29, 2011;

8 WHEREAS, since the above noted stipulation was filed, the following has occurred in
9 this matter:

10 1) A Conditional Transfer Order regarding the transfer of this matter to MDL
11 No. 2244, *In Re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products*
12 *Liability Litigation*, was filed on October 11, 2011, which order was opposed by
13 Plaintiffs on October 12, 2011. Plaintiffs’ motion to vacate this order is due on
14 October 26, 2011 and DePuy’s response is due November 16, 2011.

15 2) On September 27, 2011, DePuy filed a Motion to Stay pending transfer to MDL
16 No. 2244, which Plaintiffs opposed on October 11, 2011. The stay motion is set
17 for hearing on February 7, 2012.

18 3) On October 13, 2011, Plaintiffs filed a Motion to Remand this action to the
19 Superior Court for the County of San Francisco, along with an ex parte
20 application to set hearing on this motion before December 1, 2011. DePuy
21 opposed the ex parte application and has stated an intention to oppose the remand
22 motion. A hearing date has not yet been set for this motion.

23 WHEREAS, all of the issues described above remain unresolved at present, leaving
24 doubt as to which court this matter will ultimately be litigated in and what manner of response
25 would be consistent with the rules and procedures of that court.

26 WHEREAS, Defendant requests an extension of time to respond to Plaintiffs’ complaint
27 until such time as the venue and jurisdiction of this matter is resolved, and Plaintiffs have agreed.
28 In addition to avoiding unnecessary confusion and additional complication while the pending

