

1 Pursuant to Civil L.R. 6-2, Plaintiff Candyse Jenkins and Defendants Sanofi-Aventis U.S.
2 LLC¹ and McKesson Corporation (collectively, “the Parties”) hereby stipulate and request that the
3 Court take off calendar or continue the Initial Case Management Conference currently scheduled for
4 March 28, 2017 at 2:00 p.m., as well as the attendant deadline for filing a Joint CMC Statement,
5 currently March 21, 2017, and the ADR telephone conference with the Court’s ADR Staff also set
6 for March 21, 2017, pending the decision by the Judicial Panel on Multidistrict Litigation (“JPML”)
7 on whether this case should be transferred to the existing MDL proceeding *In re Taxotere*
8 (*Docetaxel*) *Products Liability Litigation*, MDL No. 2740, established in the United States District
9 Court for the Eastern District of Louisiana before the Honorable Kurt D. Engelhardt.

10 As set forth in the accompanying Declaration of G. Gregg Webb, good cause exists to take
11 the Initial Case Management Conference, CMC Statement deadline, and ADR telephone conference
12 off calendar or, alternatively, to continue them, pending a decision on transfer of this case to the
13 MDL. On December 22, 2016, Defendant Sanofi-Aventis U.S. LLC removed this case to this Court
14 from Alameda County Superior Court. On January 3, 2017, the JPML conditionally transferred this
15 action to the MDL. On December 29, 2017, Plaintiff filed a motion to remand this case to state court
16 (Dkt. No. 10), and on the same date, Defendant Sanofi-Aventis U.S. LLC filed a motion to stay all
17 proceedings in this case pending a decision on transfer of this case to the MDL. (Dkt. No. 12.) On
18 January 24, 2017, Plaintiff filed a motion to vacate the conditional transfer order. A hearing before
19 the JPML on the transfer of this case to the MDL is currently set for March 30, 2017, and a decision
20 from the JPML is expected on that date or soon thereafter.

21 On March 15, 2017, this Court vacated the hearing on (i) Defendant’s motion to stay and (ii)
22 Plaintiff’s motion to remand, which had been set for March 17, 2017, instructing that the Court “will
23 notify the Parties of any new hearing date after the motion to transfer has been resolved.” *See* Order
24 (Dkt. No. 36).

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26 ¹ Defendants contend that Sanofi S.A. and Aventis Pharma S.A. have not been properly served in
27 this case. By filing this Stipulation, Defendants expressly do not waive any claims or defenses,
28 including without limitation defenses based on this Court’s lack of personal jurisdiction and
improper service.

1 Currently, an initial CMC is scheduled before the Court on December 28, 2017, at 2:00 p.m.,
2 and the current deadline for the Parties to file a Joint CMC Statement is March 21, 2017—***both prior***
3 ***to the hearing before the JPML on transferring the case to the MDL.*** In addition, an ADR
4 telephone conference with the Court’s ADR Staff also is scheduled for March 21, 2017, at 2:00 p.m.

5 The Parties believe that taking these deadlines off calendar or continuing them pending the
6 outcome of the March 30 hearing before the JPML on the MDL transfer issue will prevent
7 potentially unnecessary proceedings before this Court and its ADR Staff and will conserve both this
8 Court and the Parties’ time and resources. In addition, granting this request will have no adverse
9 effect on future proceedings in this case.

10 There have been no prior time modifications in this case.

11 Dated: March 17, 2017

CUTTER LAW P.C.

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13 By: /s/ C. Brooks Cutter
14 C. Brooks Cutter

15 Attorneys for Plaintiffs

16
17 Dated: March 17, 2017

SHOOK, HARDY & BACON L.L.P.

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19 By: /s/ G. Gregg Webb
20 G.GREGG WEBB

21 Attorneys for Defendant
22 SANOFI-AVENTIS U.S. LLC

23 Dated: March 17, 2017

MORRISON & FOERSTER LLP

24 By: /s/ Julie Y. Park
25 Erin M. Bosman
26 Julie Y. Park


27 Attorneys for Defendant
28 MCKESSON CORPORATION

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The March 28, 2017 case management conference and all related dates, and the March 21, 2017 ADR conference are vacated.

DATED: March 20, 2017


HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE