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 21 UNITED STATES DISTRICT COURT
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 23 NORTHERN DISTRICT OF CALIFORNIA
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 25 SAN JOSE DIVISION
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21 ESTHER CARRANZA et al,
 22 ALICE FERNANDEZ, et al.,
 23 MARY OROZCO, et al.,
 24
 25 Plaintiffs,
 26 vs.
 27 Wyeth LLC, et al.,
 28
 29 Defendants.

No. 5:04-CV-04161-EJD
 No. 5:10-CV-05924-EJD
 No. 5:10-CV-05928-EJD

**STIPULATION, SUPPORTING
 DECLARATION OF MIRIAM
 BOURDETTE AND PROPOSED
 ORDER TO CONTINUE SELECTED
 PRETRIAL DATES**

1 IT IS HEREBY STIPULATED BY & BETWEEN ALL PARTIES THAT:

- 2 1. The pre-trial dates set in the Court's Scheduling Order dated July 6, 2011 be
3 continued to the dates set forth below for the reasons stated in the declaration of
4 Miriam Bourdette: Deadlines apply to all three cases unless otherwise noted.

5 5/7/12: Fact Discovery Deadline

6 6/1/12: Exchange of Expert Disclosures & Reports

7 6/8/12: Last Day to File Consolidation and Bifurcation Motions

8 6/29/12: Exchange of Rebuttal Expert Disclosures & Reports

9 6/29/12: Joint Pretrial Conference Statement (*Fernandez* and *Orozco*)

10 7/6/12: Consolidation / Bifurcation Motion Hearing at 9:00 AM

11 7/6/12: Preliminary Pretrial Conference at 11:00 AM (*Fernandez* and *Orozco*)

12 6/29/12 Last day to file Joint Interim Case Management Conference Statement (Carranza)

13 7/6/12 Interim Case Management Conference (Carranza)

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15 2. The following dates set in the July 11 Order will remain as ordered:

16 8/10/12: Expert Discovery Cut-off

17 8/31/12: Dispositive and *Daubert* Motions Filing deadline

18 9/21/12: Hearing on Anticipated Dispositive & *Daubert* Motions at 9:00 AM

19 10/19/12: Joint Pretrial Conference Statement (*Carranza*)

20 10/26/12: Final Pretrial Conference (*Carranza*)

21 11/5/12: Trial (*Carranza*)

1 Respectfully submitted,

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3 DATED: March 14, 2012

BOURDETTE AND PARTNERS

4
5 By /s/ Miriam Bourdette
6 Miriam Bourdette
7 Attorneys for Plaintiff

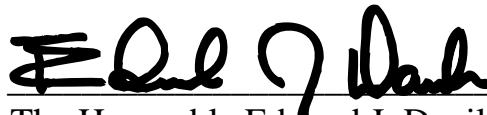
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9
10 DATED: March 14, 2012

KAYE SCHOLER LLP

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12 By: /s/ Wendy S. Dowse
13 Wendy S. Dowse
14 Attorneys for Defendants

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16 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

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19 Dated: March 22, 2012


The Honorable Edward J. Davila
United States District Court
Northern District of California

1 **SUPPORTING DECLARATION OF MIRIAM BOURDETTE**
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3 I, Miriam Bourdette, declare that:

4 1. I am a resident of the State of California, licensed to practice in all the
5 Courts of California and admitted in the United States District Court Northern District of
6 California. I am an attorney of record for Plaintiffs. If called as a witness I could and would
7 testify truthfully as to the facts set forth below:
8

9 2. On December 9, 2011, Judge James R. Goodwin held an Initial Case
10 Management Conference regarding 15 cases pending in United States District Court, Eastern
11 District, Fresno Division. Judge Goodwin Chief Judge of the United States District Court West
12 Virginia Southern District, had recently been assigned to replace Judge Oliver Wanger who had
13 resigned from the Bench. On December 9th Judge Goodwin ordered 10-day, back-to-back trials
14 in the 15 cases to begin July 30, 2012. The second trial starts August 13, 2012 and every other
15 trial, approximately 10 days later. Judge Goodwin later modified that Order to allow time for
16 the trial date previously set by this Court, November 5, 2012, for the Carranza case and if
17 consolidated, Fernandez and Orozco cases. Judge Goodwin’s Order regarding Stipulated
18 Orders of Trial Dates and Amended Pretrial Scheduling Orders for Remand Group 1 and
19 Remand Group 2 are attached hereto as Exhibits A, B, C & D and incorporated as though fully
20 set forth herein.
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23 3. Defendants and Plaintiffs have worked diligently to meet all the deadlines set forth in
24 Judge Goodwin’s and this Court’s Scheduling Orders. At least 125 more Treating and
25 Prescribing Doctors depositions, 17 more Plaintiffs Depositions, 15 Sales Rep depositions
26 (assuming we can take their depositions regarding the doctors they visited in all cases at the
27 same time) and 65 Expert depositions have yet to be scheduled in the Fresno and San Jose
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1 cases. Scheduling has been very difficult as it involves availability of experts, doctors, parties'
2 lawyers, doctor's lawyers. There still are billing records, medical records and physical
3 evidence (mammography films and pathology slides) that have not been obtained, further
4 complicating the scheduling. Without all billing and medical records and physical evidence it
5 is near impossible to prepare plaintiffs properly for their depositions, to provide doctors (many
6 of whom are retired or have purged their own files since the care was provided so many years
7 ago) and their attorneys copies of the charts about which they are to be deposed, or experts with
8 materials on which to make final reports. Neither defendants nor plaintiffs could foresee the
9 difficulty in obtaining the records or the impact of Judge Goodwin's Orders on the discovery
10 process in the three cases pending before this Court.
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13 4. It is for these reasons that we stipulate to the continuances requested above and hope
14 for relief as stated in the Stipulation.
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16 I declare under penalty of perjury and under the laws of the State of California that the
17 foregoing is true. Executed this 14th day of March, 2012.
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20 /s/ Miriam Bourdette
21 Miriam Bourdette
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