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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Margarita Gaeta, et al.,

NO. C 05-04115 JW

Plaintiffs,

**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

v.

Perrigo Pharmaceuticals Company,

Defendant.

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This case is scheduled for a Case Management Conference on October 31, 2011. On October 21, 2011, the parties filed a Joint Case Management Conference Statement indicating that Defendant has filed a petition for writ of certiorari with the Supreme Court which “is currently set for conference on October 28, 2011.”<sup>1</sup> Defendant contends that it “anticipates its petition will be granted,” in light of the Supreme Court’s “recent decision of the issues at play in this case” in two other cases, and contends that the Court should vacate the October 31 Conference and stay any further action until the Supreme Court issues its determination on Defendant’s petition. (Id.) Plaintiffs contend that because there is “no way to determine the amount of time [the Supreme Court] will take to determine whether it will accept the case,” the Court should “set this matter for trial and then inform [the Supreme Court] of the schedule so [the Supreme Court] can either issue a ruling within that time period, or stay the proceedings in this case.” (Id.)


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<sup>1</sup> (See Joint Case Management Conference Statement at 3, Docket Item No. 393.)

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Based on the parties' representations, the Court finds good cause to continue the Conference pending the Supreme Court's determination on Defendant's petition for certiorari. Accordingly, the Court CONTINUES the Case Management Conference to **December 12, 2011 at 10 a.m.** On or before **December 2, 2011**, the parties shall submit a Joint Case Management Statement updating the Court on the status of the Supreme Court proceedings and provide a good faith proposed schedule on how this case should proceed.

Dated: October 25, 2011

  
\_\_\_\_\_  
JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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15 **Dated: October 25, 2011**

**Richard W. Wieking, Clerk**

16  
17 **By:           /s/ JW Chambers**  
18 **Susan Imbriani**  
19 **Courtroom Deputy**

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