

1 WHEREAS, on April 11, 2017, Plaintiff Richard Connelly (“Plaintiff”) filed a Complaint
2 in the above-captioned matter;

3 WHEREAS, on June 23, 2017, Defendants St. Jude Medical, Inc., Abbott Laboratories,
4 and Pacesetter, Inc. (collectively, “Defendants”) filed a Motion to Dismiss all claims in Plaintiff’s
5 Complaint;

6 WHEREAS, on July 5, 2017, this Court approved the parties’ stipulation extending the
7 deadlines for Plaintiff’s Opposition to the Motion to Dismiss and Defendants’ Reply in support of
8 the Motion to Dismiss;

9 WHEREAS, on August 23, 2017, this Court granted in part and denied in part Defendants’
10 Motion to Dismiss and ordered Plaintiff to file an amended complaint by September 8, 2017;

11 WHEREAS, Defendants are currently required to respond to the claims that were not
12 dismissed by September 6, 2017;

13 WHEREAS, Plaintiff currently intends to file an amended complaint by September 8,
14 2017;

15 WHEREAS, Defendants named in the Amended Complaint would be required to respond
16 to an Amended Complaint filed on September 8, 2017 no later than September 22, 2017;

17 WHEREAS, given the desire to avoid filing an answer that would be mooted by the
18 Amended Complaint and that can only address a portion of the pleadings that Plaintiff intends to
19 amend, Plaintiff and Defendants agree an extension of the deadlines for Defendants to respond to
20 the Complaint is warranted to avoid piecemeal pleadings and unnecessary expense;

21 WHEREAS, in addition, given international travel previously scheduled by lead defense
22 counsel, Mr. Ring, and the complexity of the issues in this matter, Plaintiff and Defendants agree
23 an extension of the deadlines for any defendants named in the Amended Complaint to respond is
24 warranted to enable sufficient time to assess whether any further motion practice is warranted or
25 whether any defendants will instead answer the anticipated Amended Complaint;

26 WHEREAS extending these deadlines will not impact any other existing deadlines in this
27 matter.

28

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

- 2 1. Defendants shall not be required to respond to Plaintiff's Complaint by September 6,
3 2017.
- 4 2. If Plaintiff files an Amended Complaint by September 8, 2017, any defendant named
5 in the Amended Complaint must answer or otherwise respond no later than October
6 13, 2017.

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8 Dated: September 1, 2017

Respectfully submitted,

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10 /s/ Daniel L. Ring
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LOCAL RULE 5(i)(3) ATTESTATION

I, Daniel L. Ring, hereby attest, pursuant to Northern District of California, Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from each signatory.

/s/ Daniel L. Ring _____

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[PROPOSED] ORDER

Before this Court is the parties' Stipulation and [Proposed] Order Extending Deadlines for Defendants to Respond to Plaintiff's Pleadings. The Stipulation is **GRANTED**. It is **HEREBY ORDERED** that:

1. Defendants shall not be required to respond to Plaintiff's Complaint by September 6, 2017.

2. If Plaintiff files an Amended Complaint by September 8, 2017, any defendant named in the Amended Complaint must answer or otherwise respond no later than October 13, 2017.

IT IS SO ORDERED.

Dated: September 5, 2017



Hon. Edward J. Davila
United States District Judge