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13 BRISTOL-MYERS SQUIBB COMPANY,  
ASTRAZENECA PHARMACEUTICALS LP, and  
14 MCKESSON CORPORATION

15 **IN THE UNITED STATES DISTRICT COURT**

16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 KATHY BARNES, an individual,  
18 Plaintiff,  
19 v.

Case No.: 3:17-cv-1869-JST

**STIPULATION FOR ORDER DENYING  
MOTION TO DISMISS AND GRANTING  
MOTION TO TRANSFER PURSUANT  
TO 28 U.S.C. § 1404(a)**

20 BRISTOL-MYERS SQUIBB COMPANY;  
21 ASTRAZENECA PHARMACEUTICALS  
LP; MCKESSON CORPORATION; and  
22 DOES 1-50 INCLUSIVE  
23 Defendants.

Judge: Hon. Jon S. Tigar

24 AND RELATED ACTIONS:  
25 *Tony Campbell v. Bristol-Myers Squibb*  
*Company, et al.*, Case No. 3:17-cv-01872-JST;  
26 *Anita Rochelle Holland v. Bristol-Myers*  
27 *Squibb Company, et al.*, Case No. 3:17-cv-  
28 02430;

1 *Michael Miller v. Bristol-Myers Squibb*  
2 *Company, et al.*, Case No. 3:17-cv-01870-JST;

3 *Lester Speights v. AstraZeneca*  
4 *Pharmaceuticals LP, et al.*,  
Case No. 3:17-cv-01873-JST;

5 *Nichole Wilcox v. Bristol-Myers Squibb*  
6 *Company, et al.*, Case No. 3:17-cv-01662-JST;

7 *Robbie York v. Bristol-Myers Squibb*  
8 *Company, et al.*, Case No. 4:17-cv-01871-JST;

9 *Sheryle Christensen v. Bristol-Myers Squibb*  
10 *Company, et al.*, Case No. 3:17-cv-03098-JST  
11 (in which Defendants are specially appearing);

12 *Donielle Cousins v. Bristol-Myers Squibb*  
13 *Company, et al.*, Case No. 3:17-cv-03180-JST  
14 (in which Defendants are specially appearing);

15 *Norman Johnson v. Bristol-Myers Squibb*  
16 *Company, et al.*, Case No. 3:17-cv-03019-JST  
17 (in which Defendants are specially appearing).

18 **TO THE COURT AND ALL PARTIES:**

19 WHEREAS, Defendants AstraZeneca Pharmaceuticals LP (AstraZeneca) and Bristol-  
20 Myers Squibb Company (BMS) filed Motions to Dismiss for Lack of Personal Jurisdiction in the  
21 *Barnes, Campbell, Holland, Miller, Speights, Wilcox, and York* actions on May 26, 2017;

22 WHEREAS, in the alternative, AstraZeneca, BMS, and McKesson Corporation argued  
23 that Plaintiffs' respective home states were a more convenient forum and that these cases should  
24 be transferred pursuant to 28 U.S.C. § 1404(a);

25 WHEREAS, Defendants have yet to appear in the *Christensen, Cousins, and Johnson*  
26 cases, but would file the same motions in response to the complaints in those cases;

27 WHEREAS, based on the Court's recent rulings denying Defendants' motions to dismiss  
28 for lack of personal jurisdiction and granting Defendants' motions to transfer in related actions  
*Dubose v. Bristol-Myers Squibb, et al.*, Case No. 3:17-cv-00244-JST (Doc 39) and *Cortina v.*  
*Bristol-Myers Squibb, et al.*, Case No. 3:17-cv-00247-JST (Doc 36), the parties anticipate that

1 the Court will reach the same result with respect to Defendants' pending motions and in similar  
2 motions that would be filed in the *Christensen*, *Cousins*, and *Johnson* cases, because the motions  
3 are based on substantially similar factual circumstances;

4 WHEREAS, while Defendants respectfully disagree with the Court's ruling denying their  
5 motion to dismiss and Plaintiffs respectfully disagree with the Court's ruling granting  
6 Defendants' motion to transfer, the parties agree to the following stipulation in an effort to  
7 conserve resources and minimize expense for the parties and the Court;

8 **NOW, THEREFORE**, the Parties stipulate and agree that the Court will deny the  
9 motions to dismiss for lack of jurisdiction and will grant the motions to transfer the cases to the  
10 districts where Plaintiffs reside pursuant to 28 U.S.C. § 1404(a), as follows:

- 11 • Barnes, Kathy; Eastern District of Kentucky;
- 12 • Campbell, Tony; Eastern District of Tennessee;
- 13 • Holland, Anita Rochelle; Middle District of North Carolina;
- 14 • Miller, Michael; Northern District of Indiana;
- 15 • Speights, Lester; Eastern District of Louisiana;
- 16 • Wilcox, Nichole; Western District of Tennessee;
- 17 • York, Robbie; Northern District of Georgia;
- 18 • Christensen, Sheryle; District of Idaho;
- 19 • Cousins, Donielle; Southern District of Indiana;
- 20 • Johnson, Norman; Northern District of Georgia.

21 **IT IS SO STIPULATED.**

22 DATED: July 27, 2017

**SANDERS PHILLIPS GROSSMAN, LLC**

23  
24  
25 By: /s/ Timothy M. Clark  
26 Timothy M. Clark  
27 Lauren Welling  
28 Attorneys for Plaintiffs

1 DATED: July 27, 2017

KING & SPALDING LLP

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3  
4 By: /s/ William E. Steimle  
5 Donald F. Zimmer, Jr.  
6 William E. Steimle  
7 Attorneys for Defendants

8 **Signature Attestation (N.D. Cal. L.R. 5-1(i)(3))**

9 I, William E. Steimle, attest that concurrence in the filing of this document has been  
10 obtained from each signatory whose ECF user ID and password are not being used in the  
11 electronic filing of this document.

12 Having considered the above stipulation to transfer, and good cause appearing, the  
13 Parties' Stipulation is **GRANTED**.

14 The action entitled *Kathy Barnes v. Bristol Myers Squibb, et al.* Case No. 3:17-cv-1869-  
15 JST, shall be transferred to the Eastern District of Kentucky.

16 The action entitled *Tony Campbell v. Bristol-Myers Squibb Company, et al.*, Case No.  
17 3:17-cv-01872-JST, shall be transferred to the Eastern District of Tennessee.

18 The action entitled *Anita Rochelle Holland v. Bristol-Myers Squibb Company, et al.*, Case  
19 No. 3:17-cv-02430, shall be transferred to the Middle District of North Carolina.

20 The action entitled *Michael Miller v. Bristol-Myers Squibb Company, et al.*, Case No.  
21 3:17-cv-01870-JST, shall be transferred to the Northern District of Indiana.

22 The action entitled *Lester Speights v. AstraZeneca Pharmaceuticals LP, et al.*, Case No.  
23 3:17-cv-01873-JST, shall be transferred to the Eastern District of Louisiana.

24 The action entitled *Nichole Wilcox v. Bristol-Myers Squibb Company, et al.*, Case No.  
25 3:17-cv-01662-JST, shall be transferred to the Western District of Tennessee.

26 The action entitled *Robbie York v. Bristol-Myers Squibb Company, et al.*, Case No. 4:17-  
27 cv-01871-JST, shall be transferred to the Northern District of Georgia.

1           The action entitled *Sheryle Christensen v. Bristol-Myers Squibb Company, et al.*, Case  
2 No. 3:17-cv-03098-JST, shall be transferred to the District of Idaho.

3           The action entitled *Donielle Cousins v. Bristol-Myers Squibb Company, et al.*, Case No.  
4 3:17-cv-03180-JST, shall be transferred to the Southern District of Indiana;

5           The action entitled *Norman Johnson v. Bristol-Myers Squibb Company, et al.*, Case No.  
6 3:17-cv-03019-JST, shall be transferred to the Northern District of Georgia.

7 **IT IS SO ORDERED.**

8 DATED: August 1, 2017 \_\_\_\_\_

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HONORABLE JON S. TIGAR  
United States District Judge