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1 Attorneys for Defendant
2 Baxter Healthcare Corporation

3 **UNITED STATES DISTRICT COURT**
4 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
5 **OAKLAND DIVISION**

6 Peng, et al.,

BZ
CASE NO.: CV 08 3704 (~~JL~~)

7 Plaintiffs,

E-FILED

8 v.

**STIPULATION TO STAY
PROCEEDINGS IN THE NORTHERN
DISTRICT OF CALIFORNIA
PENDING OUTCOME OF
PROCEEDINGS UNDER 28 U.S.C. §
1407 REGARDING TRANSFER TO
MDL-986**

9 Bayer Corporation, et al.,

10 Defendants
11

12
13
14 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

15
16 IT IS HEREBY STIPULATED by and between counsel for Plaintiffs in the above captioned case
17 currently pending in this Court, and Defendants BAYER CORPORATION and BAXTER
18 HEALTHCARE CORPORATION (“Defendants”), that all proceedings in the Northern District of
19 California shall be stayed until the Judicial Panel on Multidistrict Litigation (hereinafter “the Panel”)
20 completes the proceedings now in progress to decide if this case will be transferred to MDL-986,
21 currently pending before The Honorable John F. Grady in the Northern District of Illinois.
22

23 The transfer process has already been initiated by the issuance by the Panel of Conditional
24 Transfer Order No. 105 on August 19, 2008 (a copy of which is attached hereto). Under the Panel’s
25 procedures, if no opposition is received within fifteen days of the date of the CTO, a “final” transfer
26 order will be sent by the Panel to the Clerk of the Northern District of Illinois and upon filing there
27
28

1 that Court will have sole jurisdiction.

2 If the Panel transfers the case, the stay shall remain in effect. If, however, there is no
3 transfer, or, upon remand following transfer, this stay shall expire 30 days following the Panel order
4 terminating the transfer proceedings or remanding the case. This stipulation may be signed by the
5 parties in counterpart.

6
7 IT IS SO STIPULATED.

8
9 Dated: 8/25, 2008

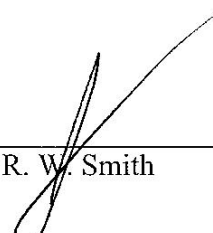
BAUM, HEDLUND, ARISTEI & GOLDMAN,
P.C.

10
11 By: MICHAEL BAUM / GRS
12 On Behalf of And With Authorization of
13 Michael L. Baum

14 Attorneys for Plaintiffs

15 Dated: 8/25, 2008

GEOFFREY SMITH, PLLC

16
17
18 By: 
19 Geoffrey R. W. Smith

20 Attorneys for Defendant
21 Bayer Corporation

1 Dated: 9/25, 2008

REED SMITH LLP

2
3 By: MARILYN MOBERG/CRWS
4 On Behalf of And With Authorization of
5 Marilyn A. Moberg
6

7 Attorneys for Defendant
8 Baxter Healthcare Corporation
9

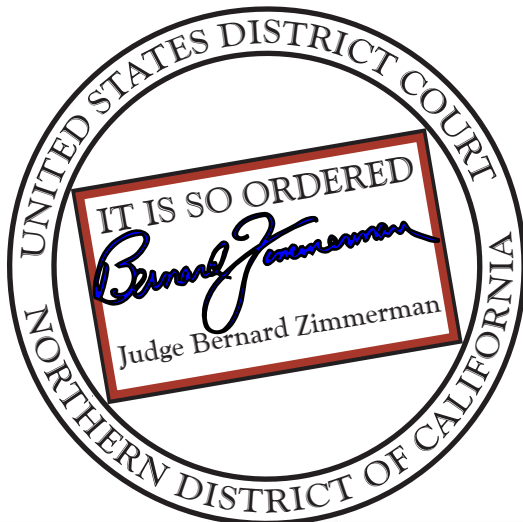
10 All proceedings in the Northern District of California shall be stayed until the Judicial Panel
11 on Multidistrict Litigation completes the process currently in progress for determining if this case
12 will be transferred to MDL-986. If the Panel orders transfer, the stay shall remain in effect. If there
13 is no transfer, or upon remand following transfer, this stay shall expire 30 days following the Panel
14 order terminating the transfer proceedings or remanding the cases.
15

16 IT IS SO ORDERED,
17

18 Dated Sept. 17, 2008

BY:

Bernard Zimmerman
Bernard Zimmerman
United States
Magistrate Judge



STIPULATION TO STAY PROCEEDINGS IN THE NORTHERN DISTRICT OF CALIFORNIA PENDING
OUTCOME OF PROCEEDINGS UNDER 28 U.S.C. § 1407 REGARDING TRANSFER TO MDL-986

1 **PROOF OF SERVICE**

2
3 I am over the age of eighteen years and not a party to the within action. I am a member of the
4 bar of this court. My business address is GEOFFREY SMITH PLLC, 1350 I Street, NW, Suite 900,
5 Washington, DC 20005.

6
7 On August 25, 2008, I electronically filed the following document(s):

8
9 **Stipulation To Stay Proceedings In The Northern District Of California Pending Outcome Of
10 Proceedings Under 28 U.S.C. § 1407 Regarding Transfer To Mdl-986**

11 with the Clerk of the United States District Court for the Northern District of California, Oakland
12 Division, using the CM/ECF system, and deposited copies thereof in the United States mail, first
class postage prepaid, to the persons and at the addresses listed below.

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14 BAUM, HEDLUND, ARISTEI & GOLDMAN, P.C.
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Attorney for Plaintiffs

17 Marilyn Ann Moberg
18 REED SMITH LLP
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Los Angeles, CA 90017
Attorney for Defendant Baxter Healthcare Corporation

20 I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. Executed on August 25, 2008, at Washington, D.C.

21
22
23 /s/Geoffrey R. W. Smith
24 Geoffrey R.W. Smith

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 19 2008

FILED
CLERK'S OFFICEUNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATIONIN RE "FACTOR VIII OR IX CONCENTRATE BLOOD
PRODUCTS" PRODUCTS LIABILITY LITIGATION

MDL No. 986

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-105)

On December 7, 1993, the Panel transferred 27 civil actions to the United States District Court for the Northern District of Illinois for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 853 F.Supp. 454 (J.P.M.L. 1993). Since that time, 265 additional actions have been transferred to the Northern District of Illinois. With the consent of that court, all such actions have been assigned to the Honorable John F. Grady.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Northern District of Illinois and assigned to Judge Grady.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Illinois for the reasons stated in the order of December 7, 1993, and, with the consent of that court, assigned to the Honorable John F. Grady.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Illinois. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

**IN RE "FACTOR VIII OR IX CONCENTRATE BLOOD
PRODUCTS" PRODUCTS LIABILITY LITIGATION**

MDL No. 986

SCHEDULE CTO-105 - TAG-ALONG ACTIONS

DIST. DIV. C.A. #

CASE CAPTION

CALIFORNIA NORTHERN

CAN 3 08-3703

Y. Chang, et al. v. Bayer Corp., et al.

CAN 3 08-3704

D-G Peng, et al. v. Bayer Corp., et al.

MASSACHUSETTS

MA 1 08-11241

Alex Arruda v. Bayer Corp., et al.