

TIMOTHY M. CLARK (Bar No. 284447)
tclark@thesandersfirm.com
LAUREN A. WELLING (Bar No. 291813)
lwelling@thesandersfirm.com
SANDERS PHILLIPS GROSSMAN, LLC
2860 Michelle Drive, Suite 220
Irvine, CA 92606
Telephone: +1 877 480 9142
Facsimile: +1 213 330 0346

Attorneys for Plaintiffs

DONALD F. ZIMMER, JR. (State Bar No. 112279)
fzimmer@kslaw.com

WILLIAM E. STEIMLE (State Bar No. 203426)
wsteimle@kslaw.com

KING & SPALDING LLP

101 Second Street, Suite 2300

San Francisco, CA 94105

Telephone: +1 415 318 1200

Facsimile: +1 415 318 1133

Att. \mathbf{f}_s \mathbf{D}_s \mathbf{f}_s \mathbf{D}_s \mathbf{f}_s \mathbf{D}_s \mathbf{f}_s \mathbf{D}_s

Attorneys for D BRISTOL, MY

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

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHY BARNES, an individual,

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

Plaintiff,

V.

BRISTOL-MYERS SQUIBB COMPANY;
ASTRAZENECA PHARMACEUTICALS
LP; MCKESSON CORPORATION; and
DOES 1-50 INCLUSIVE

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

Judge: Hon. Jon S. Tigar

Defendants.

AND RELATED ACTIONS:

Tony Campbell v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-01872-JST;

Anita Rochelle Holland v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-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.*,
5 Case No. 3:17-cv-01873-JST;
6 *Nichole Wilcox v. Bristol-Myers Squibb*
7 *Company, et al.*, Case No. 3:17-cv-01662-JST;
8 *Robbie York v. Bristol-Myers Squibb*
9 *Company, et al.*, Case No. 4:17-cv-01871-JST;
10 *Sheryle Christensen v. Bristol-Myers Squibb*
11 *Company, et al.*, Case No. 3:17-cv-03098-JST
12 (in which Defendants are specially appearing);
13 *Donielle Cousins v. Bristol-Myers Squibb*
14 *Company, et al.*, Case No. 3:17-cv-03180-JST
15 (in which Defendants are specially appearing);
16 *Norman Johnson v. Bristol-Myers Squibb*
17 *Company, et al.*, Case No. 3:17-cv-03019-JST
18 (in which Defendants are specially appearing).
19

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

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

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

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

29 WHEREAS, based on the Court's recent rulings denying Defendants' motions to dismiss
30 for lack of personal jurisdiction and granting Defendants' motions to transfer in related actions
31 *Dubose v. Bristol-Myers Squibb, et al.*, Case No. 3:17-cv-00244-JST (Doc 39) and *Cortina v.*
32 *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
Lauren Welling
27 Attorneys for Plaintiffs
28

1 DATED: July 27, 2017

KING & SPALDING LLP

2
3
4 By: /s/ William E. Steimle
Donald F. Zimmer, Jr.
William E. Steimle
5 Attorneys for Defendants

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

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

10
11
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


HONORABLE JON S. TIGAR
United States District Judge