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27 **UNITED STATES DISTRICT COURT**  
28 **FOR THE DISTRICT OF NEVADA**

CHARLES JOHNSON, et al.,

Plaintiffs,

v.

BRISTOL-MYERS SQUIBB COMPANY, et al.,

Defendants.

CASE NO. 3:18-cv-00143-MMD-VPC

*ORDER*

**STIPULATION FOR ORDER TO  
VACATE ORDER SETTING CASE  
MANAGEMENT CONFERENCE**

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COUNSEL/PARTIES OF RECORD	
MAY - 7 2018	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

Plaintiffs Charles Johnson, Joan Rhoads, Sherrie Maguire, Joseph Rodarte, and Michael McCollum (collectively, "Plaintiffs") and Defendants Bristol-Myers Squibb Company ("BMS"), Otsuka America Pharmaceutical, Inc. ("OAPI"), Carrie Stiles, and Cindy Pierce (collectively, "Defendants") hereby stipulate and agree that, with the approval of this Court, the *Order Setting*

1 *Case Management Conference* should be vacated for the following reasons:

2 **RECITALS**

3 1. This case, which alleges that the prescription drug Abilify® caused Plaintiffs to  
4 engage in compulsive behaviors such as pathological gambling, was removed to this Court on  
5 the basis of diversity jurisdiction. ECF 1.

6 2. On April 4, 2018, the Judicial Panel on Multidistrict Litigation (the “JPML”)  
7 ordered that this case be transferred conditionally to the Abilify® multidistrict litigation (the  
8 MDL”) in the Northern District of Florida, where more than 1,000 involving similar claims that  
9 Abilify caused pathological gambling are pending. Case MDL No. 2734, ECF No. 139.

10 3. Plaintiffs have filed a motion to remand this case, ECF No. 8, and have opposed  
11 the motion to vacate, Case MDL No. 2734, ECF No. 148.

12 4. Defendants have moved to stay all proceedings in this case, including decision on  
13 the remand motion, pending the JPML’s decision on the transfer of this case to the MDL. ECF  
14 No. 23. Briefing on the Motion to Stay is under way.

15 5. On April 23, 2018, this Court entered an *Order Setting Case Management*  
16 *Conference* pursuant to Fed. R. Civ. P. 16 and Local Rule (“LR”) 16-2 (the “Case Management  
17 Order”), setting a case management conference for Thursday, May 17, 2018 and ordering the  
18 filing of a joint case management report not less than seven (7) court dates before the case  
19 management conference.

20 6. Depending on how the Court rules on the pending options, this case will be either  
21 transferred to the MDL or remanded to state court. As such, there is no benefit to proceeding  
22 with the case management conference and its corresponding deadlines. Vacating the Case  
23 Management Order is thus warranted.

24 7. Accordingly, the parties stipulate and agree that vacating the Case Management  
25 Order until a decision is entered on the Motion to Vacate or the Motion to Remand serves the  
26 best interests of judicial economy, minimizes litigation expense, and otherwise preserves the  
27 resources of the parties.

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**STIPULATION**

8. Accordingly, subject to this Court's authorization and approval, the parties stipulate and agree as follows:

- a. The Case Management Order and all related meet and confer and reporting obligations thereto are hereby vacated.
- b. The case management conference set for May 17, 2018 at 10:00 AM in Reno Courtroom 1 before Magistrate Judge Valerie P. Cook is hereby vacated.

DATED this 4<sup>th</sup> day of May, 2018

DATED this 4<sup>th</sup> day of May, 2018

GARMAN TURNER GORDON LLP

WETHERALL GROUP, LTD.

/s/ Michael R. Esposito

/s/ Peter C. Wetherall

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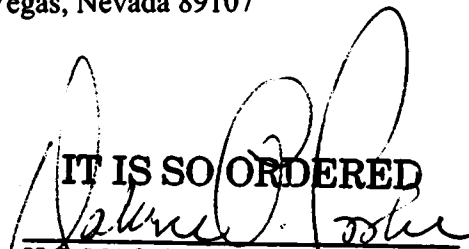
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DATED this 4<sup>th</sup> day of May, 2018

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 Pharmaceutical, Inc.*

**IT IS SO ORDERED**  
  
 U.S. MAGISTRATE JUDGE  
 DATED: May 7, 2018

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~~IT IS SO ORDERED.~~

~~\_\_\_\_\_  
United States Magistrate Judge~~

~~DATED: \_\_\_\_\_, 2018~~

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Garman Turner Gordon LLP, hereby certifies that on the 4<sup>th</sup> day of May, 2018, she caused a copy of the foregoing **STIPULATION FOR ORDER TO VACATE ORDER SETTING CASE MANAGEMENT CONFERENCE**, to be served electronically to all parties of interest through the Court's CM/ECF system as follows:

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*/s/ Anna Diallo*

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