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 McKesson Corporation
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 MICHAEL MURPHY, an individual; and
 FAWNDA MURPHY, an individual,

12 Plaintiffs,

13 vs.

14 ELI LILLY & COMPANY, a business
 15 entity; MCKESSON CORPORATION, a
 16 business entity; and DOES 1 to 50,
 inclusive,

17 Defendants.

Case No. CV-10-4815 BZ

**STIPULATION AND [PROPOSED]
 ORDER STAYING CASE PENDING
 A DECISION ON TRANSFER BY
 THE JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION**

REED SMITH LLP
 A limited liability partnership formed in the State of Delaware.

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RECITALS AND STIPULATION

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3 On April 14, 2004, the Judicial Panel on Multidistrict Litigation (“JPML”), transferred six
4 Zyprexa-related civil actions to the United States District Court for the Eastern District of New
5 York (“the MDL Court”) for coordinated or consolidated pretrial proceedings pursuant to 28
6 U.S.C. §1407. See Transfer Order, *In re Zyprexa Products Liability Litigation*, MDL-1596, 314
7 F.Supp.2d 1380 (J.P.M.L. 2004) (attached as Exhibit A) (finding that “all actions share
8 allegations concerning the safety of Zyprexa, a prescription drug used in the treatment of
9 schizophrenia”). Since that time, hundreds of Zyprexa®-related cases filed throughout the United
10 States have been transferred to the MDL Court because the cases involve common questions of
11 fact.

12
13 This Zyprexa-related case – which plaintiffs filed on April 27, 2010 in San Francisco
14 Superior Court, and which Eli Lilly and Company (“Lilly”) removed to this Court on October 25,
15 2010 – also involves common questions of fact, e.g. whether Zyprexa caused or substantially
16 contributed to the development of plaintiffs’ alleged injuries. Accordingly, Lilly has filed a
17 “Notice of Potential Tag-Along” seeking transfer of this case to the MDL Court, and the JPML is
18 expected to issue a Conditional Transfer Order shortly. See Notice of Potential Tag-Along
19 Actions (attached as Exhibit B). Plaintiffs do not intend to challenge transfer of this action to the
20 MDL Court.

21
22 According, Plaintiffs and Defendants respectfully request that:

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24 1. All matters and deadlines currently on-calendar (including the May 2, 2011 Initial
25 Case Management Conference; the deadline to make Rule 26 Disclosures; and all ADR
26 deadlines) be taken off-calendar; and

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28 2. This matter be stayed pending a decision on transfer to the MDL Court by the

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Judicial Panel on Multidistrict Litigation.

IT IS SO STIPULATED.

DATED: November 5 2010

THE EDGAR LAW FIRM

By 
Donald S. Edgar
Jeremy R. Fietz
Rex Grady
Attorneys for Plaintiffs Michael Murphy
and Fawnda Murphy

DATED: _____

REED SMITH LLP

By _____
James M. Wood
Colleen T. Davies
James M. Neudecker
Attorneys for Defendants
Eli Lilly and Company, a corporation;
and McKesson Corporation

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Judicial Panel on Multidistrict Litigation.

IT IS SO STIPULATED.

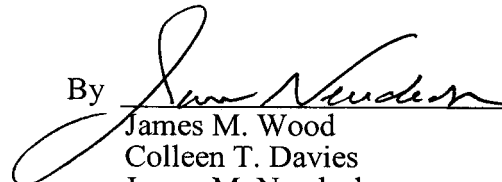
DATED: _____.

THE EDGAR LAW FIRM

By _____
Donald S. Edgar
Jeremy R. Fietz
Rex Grady
Attorneys for Plaintiffs Michael Murphy
and Fawnda Murphy

DATED: 11/8/10.

REED SMITH LLP

By  _____
James M. Wood
Colleen T. Davies
James M. Neudecker
Attorneys for Defendants
Eli Lilly and Company, a corporation;
and McKesson Corporation

1 **ORDER**

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3 Having considered the parties' stipulation, and good cause appearing, the Court orders
4 that:

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6 1. All matters and deadlines currently on-calendar (including the May 2, 2011 Initial
7 Case Management Conference; the deadline to make Rule 26 Disclosures; and all ADR
8 deadlines) are taken off-calendar; and

9
10 2. This matter is stayed pending a decision on transfer to the MDL Court by the
11 Judicial Panel on Multidistrict Litigation.

12 3. **Plaintiff shall immediately notify the Court when the transfer decision is made.**

13 IT IS SO ORDERED.

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15 DATED: November 10, 2010

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18 The Honorable Bernard Zimmerman

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