

1 LOREN H. BROWN
loren.brown@dlapiper.com
2 HEIDI LEVINE
heidi.levine@dlapiper.com
3 DLA PIPER LLP (US)
1251 Avenue of the Americas, 27th Floor
4 New York, NY 10020-1104
Tel: 212.335.4500
5 Fax: 212.335.4501

6 RAYMOND M. WILLIAMS (Bar No. 164068)
raymond.williams@dlapiper.com
7 DLA PIPER LLP (US)
1650 Market Street, Suite 4900
8 Philadelphia, PA 19103-7300
Tel: 215.656.3300
9 Fax: 215.656.3301

10 CHRISTOPHER M. YOUNG (Bar No. 163319)
christopher.young@dlapiper.com
11 DLA PIPER LLP (US)
401 B Street, Suite 1700
12 San Diego, CA 92101
Tel: 619.699.2700
13 Fax: 619.699.2701

14 Attorneys for Defendant
NOVO NORDISK INC.

15 **UNITED STATES DISTRICT COURT**
16 **SOUTHERN DISTRICT OF CALIFORNIA**
17

18 IN RE INCRETIN-BASED
19 THERAPIES PRODUCTS LIABILITY
20 LITIGATION

21 *As to All Related and Member Cases*
22

Case No. 3:13-md-2452-AJB-MDD

**JOINT MOTION TO SET
EXPEDITED BRIEFING
SCHEDULE AND HEARING ON
DISCOVERY DISPUTE
BETWEEN PLAINTIFFS AND
NOVO NORDISK INC.**

Judge: Hon. Anthony J. Battaglia
Magistrate: Hon. Mitchell D. Dembin

1 Pursuant to S.D. Local Rule 7.2, Plaintiffs and Defendant Novo Nordisk Inc.
2 (“Novo Nordisk”), by and through their respective attorneys of record, respectfully
3 jointly move this Court for an order setting the following briefing schedule for the
4 resolution of a discovery dispute on the issue of whether Plaintiffs may use certain
5 information, over objection, from particular documents produced by Novo Nordisk:

6 Plaintiff’s opening brief: August 17, 2015

7 Novo Nordisk’s opposition: August 24, 2015

8 Plaintiff’s reply: August 31, 2015

9 The parties have engaged in good faith efforts to resolve the dispute, but are
10 now at an impasse and seek Court guidance. As the Court is aware, this discovery
11 dispute has also been raised before Judge Highberger in the JCCP pending in state
12 court, and the parties have agreed to and requested the same expedited briefing
13 schedule in the JCCP. Because any decision on this issue will impact other
14 scheduling and deadline issues in both this action and the JCCP, the parties
15 respectfully request the Court enter an order setting the same briefing schedule in
16 this action.

17 The parties further agree to and respectfully request a joint hearing of the
18 issue by this Court and Judge Highberger during the week of September 8, 2015, on
19 a date mutually convenient to this Court and Judge Highberger. The parties request
20 that the hearing take place in advance of the scheduled hearing on preemption
21 scheduled for September 11, 2015. The parties note that resolution of the matter
22 will involve *in camera* review by this Court of one or more documents. The parties
23 suggest (and have suggested to Judge Highberger) that the joint hearing might take

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1 place telephonically, by calling this Court's chambers from the chambers of Judge
2 Highberger.

3 Respectfully submitted:

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5 Dated: August 13, 2015

LOREN H. BROWN
HEIDI LEVINE
RAYMOND M. WILLIAMS
CHRISTOPHER M. YOUNG
DLA PIPER LLP

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7
8 By: s/Christopher M. Young

9 Attorneys for Defendant
10 Novo Nordisk Inc.

11 Dated: August 13, 2015

MAX S. KENNERLY
THE BEASLEY FIRM

12
13 By: s/Max S. Kennerly

14 Plaintiffs' Counsel
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SIGNATURE CERTIFICATION

Pursuant to Section 2.f.4 of the Court’s CM/ECF Administrative Policies, I hereby certify that authorization for the filing of this document has been obtained from each of the other signatories shown above and that all signatories have authorized placement of their electronic signature on this document.

*s/Christopher M. Young*_____

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CERTIFICATE OF SERVICE

I am a resident of the state of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101. On August 13, 2015, I served the **JOINT MOTION TO SET EXPEDITED BRIEFING SCHEDULE AND HEARING ON DISCOVERY DISPUTE BETWEEN PLAINTIFFS AND NOVO NORDISK INC.**, by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice list as follows:

Andrew Childers
1932 N. Druid Hills Road, Suite 100
Atlanta, GA 30319

Charles A. Flynn
Berke, Berke & Berke
P O Box 4747
Chattanooga, TN 37405-4747

Brian A. Goldstein
2500 Main Place Tower
350 Main Street
Buffalo, NY 14202-3725

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 13, 2015, at San Diego, California.



Bonnie K. Lott