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10 **UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

11 IN RE INCRETIN-BASED THERAPIES  
12 PRODUCTS LIABILITY LITIGATION

3:13-md-02452-AJB-MDD

MDL NO. 2452

13 PHYLLIS GOLD,

14 Plaintiff,

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

15 v.

16  
17 MERCK SHARP & DOHME, CORP.,  
18 ET AL.

19 Defendants.

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21 **STIPULATION AND JOINT  
MOTION TO SUBSTITUTE  
PLAINTIFF AND AMEND  
CAPTION AND COMPLAINT**

Case No. 13-cv-2382-AJB-MDD

22 WHEREAS counsel for Plaintiff represents as follows:

- 23 1. Plaintiff filed the present action on October 4, 2013.
- 24 2. On August 2, 2014, Plaintiff died of complications from  
25 pancreatic cancer.
- 26 3. On August 14, 2015, Plaintiff's counsel filed a Suggestion of  
27 Death under Rule 25(a)(1) of the Federal rules of Civil Procedure.
- 28 4. Leonard Gold seeks appointment as the Interim Estate



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Dated: September 14, 2015       /s/ James Bierman      

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Attorneys for Defendant Merck Sharp & Dohme Corp.

**CERTIFICATION OF ACCEPTANCE OF CONTENT BY ALL PARTIES**

I, Steven D. Davis, declare under penalty of perjury and pursuant to the laws of California and the United States that I have in my possession e-mail correspondence from defense counsel dated September 11, 2015 that the contents of this Unopposed Motion and Stipulation are acceptable to all persons required to sign it.

      /s/ Steven D. Davis        
Steven D. Davis

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served upon all counsel of record via the Court’s CM/ECF Filing System this 14th day of September, 2015.

      /s/ Steven D. Davis        
Steven D. Davis