UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re: INCRETIN-BASED THERAPIES PRODUCTS LIABILITY LITIGATION	CASE NO. 13-MD-02452-AJB (MDD)
THIS DOCUMENT RELATES TO: Anderson v. Eli Lilly and Co., *et al*., 3:13-cv-02394; Barr v. Eli Lilly and Co., *et al*., 3:13-cv-02386; Blomgren v. Eli Lilly and Co., *et al*., 3:13-cv-02396; De Jesus v. Eli Lilly and Co., *et al*., 3:13-cv-02405; Dunscomb v. Eli Lilly and Co., *et al*., 3:13-cv-02408; Embry v. Eli Lilly and Co., *et al*., 3:13-cv-02407; Kadunce v. Eli Lilly and Co., *et al*., 3:13-cv-02403; Malnati v. Eli Lilly and Co., *et al*., 3:13-cv-02409; Marsh v. Eli Lilly and Co., *et al*., 3:13-cv-02413; Mick v. Eli Lilly and Co., *et al*., 3:13-cv-02395; Neubert v. Eli Lilly and Co., *et al*., 3:13-cv-02406; Pataky v. Eli Lilly and Co., *et al*., 3:13-cv-02385; Reed v. Merck & Co., Inc. *et al*., 3:13-cv-02411; Sharit v. Eli Lilly and Co., *et al*., 3:13-cv-02388; Smith v. Eli Lilly and Co., *et al*., 3:13-cv-02412; Swenson v. Eli Lilly and Co., *et al*., 3:13-cv-02404; Williamson v. Eli Lilly and Co., *et al*., 3:13-cv-02410; Woldt v. Eli Lilly and Co., *et al*., 3:13-cv-02387; and Wortman v. Eli Lilly and Co., *et al*., 3:13-cv-02378.	**JOINT MOTION FOR EXTENSION OF TIME FOR DEFENDANT ELI LILLY AND COMPANY TO RESPOND TO PLAINTIFFS' COMPLAINTS** Judge: Hon. Anthony J. Battaglia Magistrate: Hon. Mitchell D. Dembin

Pursuant to Rules 7.2 and 12.1 of the Local Rules for the United States District Court for the Southern District of California, Plaintiffs in the above-enumerated civil actions ("Plaintiffs") and Eli Lilly and Company ("Lilly"), by and through their attorneys, hereby stipulate that the time period within which Lilly must answer, move or otherwise plead to the Plaintiffs' Complaints shall be extended to December 2, 2013 and move as follows:

1. The actions subject to this motion are:

a. Leeta Anderson, Individually and as the Successor-in-Interest of the Estate of Edward Anderson, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02394 (S.D. Cal.);

b. Susan Barr, Individually and as Successor-in-Interest of the Estate of Gary Barr, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02386 (S.D. Cal.);

c. Wayne Blomgren, Individually and as the Successor-in-Interest of the Estate of Mary Blomgren, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02396 (S.D. Cal.);

d. Carmen De Jesus v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02405 (S.D. Cal.);

e. Bryce Dunscomb v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02408 (S.D. Cal.);

f. Robert Embry v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02407 (S.D. Cal.);

g. Diane Kadunce, Individually and as Successor-in-Interest of the Estate of Randy Kadunce, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02403 (S.D. Cal.);

h. Frances Malnati, Individually and as the Successor-in-Interest of the Estate of Alfred Malnati, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02409 (S.D. Cal.);

i. Gerald Marsh, Individually and as the Successor-in-Interest of the Estate of Elizabeth Marsh, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02413 (S.D. Cal.);

j. Deborah Mick, Individually and as the Successor-in-Interest of the Estate of James Mick, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02395 (S.D. Cal.);

k. Donna Neubert, Individually and as Successor-in-Interest of the Estate of Leonard Neubert, Jr., deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02406 (S.D. Cal.);

l. Patricia Pataky, Individually and as Successor-in-Interest of the Estate of Mark Pataky, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02385 (S.D. Cal.);

m. Patricia Reed v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02411 (S.D. Cal.);

n. Teresa Sharit, Individually and as Successor-in-Interest of the Estate of Charles Sharit, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02388 (S.D. Cal.);

o. Betty Smith v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02412 (S.D. Cal.);

p. Marie Swenson v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02404 (S.D. Cal.);

q. Cynthia Williamson, Individually and as Successor-in-Interest of the Estate of Sue Edwards, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02410 (S.D. Cal.);

r. Jerry Woldt, Individually and as Successor-in-Interest of the Estate of Sharon Woldt, deceased v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02387 (S.D. Cal.); and

s. Dale Wortman v. Eli Lilly and Co., *et al*., Case No. 3:13-cv-02378 (S.D. Cal.).

2. Plaintiffs have filed claims against Lilly in the cases listed in Paragraph 1. Lilly has not yet served responsive pleadings to Plaintiffs' Complaints.

3. By Order dated October 18, 2013, the Court instructed Plaintiffs to submit a Master Consolidated Complaint by November 18, 2013. See Doc. No. 143, ¶ 2.

4. If an agreed Master Consolidated Complaint is submitted by November 18, 2013, Lilly and other Defendants in this MDL must submit a Master Answer no later than December 18, 2013.

5. In light of the parties' efforts to establish a Master Consolidated Complaint and a Master Answer, Plaintiffs and Lilly further stipulate and agree that it is appropriate to extend Lilly's time to answer or otherwise respond to Plaintiffs' Complaints until and including December 2, 2013 as it preserves resources.

6. No prior extensions have been requested.

7. Accordingly, Plaintiffs and Lilly hereby move the Court to grant Lilly an extension of time within which to file and serve its responsive pleadings to Plaintiffs' Complaints, so that Lilly shall respond on or before December 2, 2013.

s/ Tor A. Hoerman

Tor A. Hoerman
Tor Hoerman Law LLC
101 West Vandalia Street
Suite 350
Edwardsville, Illinois 62025
Telephone: (618) 656-4400
Facsimile: (618) 656-4401
thoerman@torhoermanlaw.com

On behalf of the Plaintiffs' Steering Committee

Dated: November 5, 2013

s/ Stephen P. Swinton

Stephen P. Swinton (SBN 106398)
Valerie E. Torres (SBN 223011)
LATHAM & WATKINS LLP
600 West Broadway, Suite 1800
San Diego, CA 92101-3375
Telephone: (619) 236-1234
Facsimile: (619) 696-7419
Email:steve.swinton@lw.com

Nina M. Gussack
Kenneth J. King
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799
Telephone: (215) 981-4000
Facsimile: (215) 981.4750
Email:gussackn@pepperlaw.com
Email: kingk@pepperlaw.com

Attorneys for Defendant
Eli Lilly and Company, a corporation

Dated: November 5, 2013

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-4.3.4(a)(2)(i), 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 concur in the filing's content.

Dated: November 5, 2013

s/ Stephen P. Swinton
Stephen Swinton

PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 12636 High Bluff Drive, Suite 400, San Diego, CA 92130.

On November 5, 2013, I served the following document described as:

JOINT MOTION FOR EXTENSION OF TIME FOR DEFENDANT ELI LILLY AND COMPANY TO RESPOND TO PLAINTIFFS' COMPLAINTS

by serving a true copy of the above-described document in the following manner:

BY ELECTRONIC FILING

I hereby certify that I have electronically filed the document(s) listed above with the Clerk of the Court using the CM/ECF system, which will automatically send an email notification to all parties in the case who are registered CM/ECF users.

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 5, 2013, at San Diego, California.

s/ Stephen P. Swinton