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12
13 **UNITED STATES DISTRICT COURT**

14 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

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16 IN RE: INCRETIN-BASED
17 THERAPIES PRODUCTS LIABILITY
18 LITIGATION

19
20 AS TO ALL CASES IDENTIFIED IN
21 PARAGRAPH 1

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

**JOINT MOTION FOR
EXTENSION OF TIME TO
RESPOND TO PLAINTIFFS'
COMPLAINTS**

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

1 Pursuant to Rules 7.2 and 12.1 of the Local Rules for the United States District
2 Court for the Southern District of California, Plaintiffs in the cases listed in Paragraph
3 1 (“Plaintiffs”) and Merck & Co., Inc. (“Merck”), by and through their attorneys,
4 move as follows:

5 1. The actions subject to this motion are:

6 a. *Brock v. Merck & Co., Inc., et al.*, Case No. 3:13-cv-2499-AJB-MDD
7 (S.D. Cal.);

8 b. *Rhodes v. Merck & Co., Inc., et al.*, Case No. 3:13-cv-2651-AJB-MDD
9 (S.D. Cal.);

10 2. Plaintiffs have filed claims against Merck in the cases listed in Paragraph
11 1. Merck has not yet served a responsive pleading to Plaintiffs’ Complaints.

12 3. The approved Master Complaint in this MDL includes only Merck Sharp
13 & Dohme Corp. as the defendant related to Januvia and Janumet and automatically
14 served as an answer to Plaintiffs’ Complaints on Merck Sharp & Dohme Corp.’s
15 behalf, but not on behalf of any other Merck defendant.

16 4. Merck has requested that Plaintiffs voluntarily dismiss their claims
17 against the defendants other than Merck Sharp & Dohme Corp. in lieu of engaging the
18 Court in motions practice, and Plaintiffs’ counsel is presently evaluating that request.
19 This Court previously extended the deadline to answer or otherwise respond to the
20 Complaint until March 17, 2014, but the parties have not yet resolved this issue.

21 5. To conserve the parties’ resources and the resources of the Court, the
22 parties agree that an extension of Merck’s deadline to answer or otherwise respond to
23 the Complaints should be extended to March 31, 2014.

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1 Accordingly, Plaintiffs and Merck hereby move the Court to grant Merck an
2 extension of time within which to file and serve its responsive pleading to Plaintiffs'
3 Complaints, so that Merck shall respond on or before March 31, 2014.

4
5 Dated: March 17, 2014

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Attorneys for Defendant Merck & Co., Inc.

24 Dated: March 17, 2014

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SIGNATURE ATTESTATION

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/ Vickie E. Turner
Vickie E. Turner