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12
13 UNITED STATES DISTRICT COURT
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15
16 IN RE INCRETIN-BASED
17 THERAPIES PRODUCTS LIABILITY
LITIGATION

18 *As to All Related and Member Cases*

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

19
20 JOINT MOTION FOR
MODIFICATION OF
SCHEDULING ORDER

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

21
22 The parties submit this Joint Motion for Modification of Scheduling Order and
23 state the following in support:

24 1. The Court entered a scheduling order for this action on October 24, 2014.
25 *See* ECF No. 744. That order requires, *inter alia*:

- 26 a. the parties to notify the other parties by November 17, 2014 of the
27 experts (and their respective fields) for whom they intend to submit
28

1 expert reports on preemption, or alternatively, for any party deciding
2 not submit an expert report related to preemption, to notify the other
3 parties of that decision by the same date;

4 b. the parties to file and serve any expert reports related to preemption
5 by December 8, 2014; and

6 c. the parties to file and serve any rebuttal expert reports relating to
7 preemption by January 16, 2013.

8 2. The parties have conferred in good faith and, in light of the progress of
9 the case, agree that a one-week extension of the dates referenced above is warranted.
10 This extension is not anticipated to result in delay of the remaining deadlines in this
11 action.

12 3. Accordingly, the Parties now jointly move this Court modify the above-
13 referenced deadlines as follows:

14 a. *November 24, 2014*—Each party must notify the other parties, by
15 this date, of the experts (and their respective fields) for whom they
16 intend to submit expert reports on preemption. If a party decides
17 to not submit an expert report, they will notify the other parties of
18 that decision on this date.

19 b. *December 15, 2014*—The parties must file and serve any expert
20 reports relating to preemption by this date.

21 c. *January 23, 2015*—The parties must file and serve any rebuttal
22 expert reports relating to preemption by this date. In the event a
23 party decided to not submit an expert report on December 15, any
24 rebuttal expert reports shall be limited to rebutting points made by
25 the opposing parties' experts.

1 4. A proposed order will be e-mailed to chambers in accordance with the
2 Court's Standing Order for Civil Cases.

3 Respectfully submitted:

4 Dated: November 14, 2014

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8 Vickie E. Turner
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10 Merck Sharp & Dohme Corp.

11 Dated: November 14, 2014

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19 RAYMOND WILLIAMS
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21 By: s/ Heidi Levine

22 Heidi Levine
23 Attorneys for Defendant
24 Novo Nordisk Inc.

25 SIGNATURE ATTESTATION

26 I hereby certify that authorization for the filing of this document has been
27 obtained from each of the other signatories shown above and that all signatories
28 concur in the filing's content.

s/ Vickie E. Turner

VICKIE E. TURNER