

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA *ex rel.*,
STEPHEN A. KRAHLING and JOAN A.
WLOCHOWSKI,

Plaintiffs,

v.

MERCK & CO., INC.,

Defendant.

Civil Action No. 10-4374 (CDJ)

FILED

JAN 11 2016

MICHAEL E. KUNZ, Clerk
By: _____ Dep. Clerk

IN RE: MERCK MUMPS VACCINE
ANTITRUST LITIGATION

Master File No. 12-3555 (CDJ)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**JOINT STIPULATION AND [PROPOSED] ORDER
TO AMEND THE SCHEDULING ORDER**

WHEREAS, on February 26, 2015, the Court entered an Order amending the Scheduling Order (the "Amended Scheduling Order") in the above-captioned cases (C.A. No. 10-4374, Dkt. 71; C.A. No. 12-3555, Dkt. 89), which set forth the following case management deadlines:

- a. Parties shall substantially complete document production and shall exchange privilege logs by July 31, 2015.
- b. Fact discovery shall be completed by March 1, 2016.
- c. Plaintiffs' expert disclosures and expert reports shall be submitted by May 27, 2016.
- d. Defendant's expert disclosures and expert reports shall be submitted by August 26, 2016.
- e. All expert discovery shall be completed by October 31, 2016.
- f. The parties shall file a status report to the Court by October 31, 2016 advising the Court whether the parties would consent to alternative dispute resolution.

- g. All dispositive motions shall be filed and served on December 9, 2016. Should either party seek to file a dispositive motion prior to this date, that party must first meet and confer in good faith with the opposing party to determine whether that issue is appropriately ripe for a dispositive motion.**
- h. Opposition to dispositive motions shall be filed forty-five (45) days after dispositive motions are filed.**
- i. Replies to dispositive motions shall be filed twenty (20) days after opposition to dispositive motions are filed.**
- j. Plaintiffs shall file and serve their motion for class certification by February 7, 2017.**
- k. Defendant shall file and serve its opposition to class certification by March 14, 2017.**
- l. Plaintiffs shall file and serve their reply in support of class certification by April 11, 2017.**

WHEREAS, since the entry of the Amended Scheduling Order, the parties have engaged in the production and review of documents, certain written discovery, including serving and responding to document requests and interrogatories, and have taken a deposition;

WHEREAS, in view of the current status of discovery, the parties agree that it is necessary to extend the deadlines in the Scheduling Order to allow additional time for fact and expert discovery and for dispositive and class certification motions.


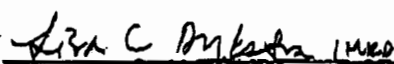

NOW, THEREFORE, the parties hereby stipulate and agree, and the Court hereby orders, that the Scheduling Order is amended as follows:

1. Merck shall substantially complete document production for all custodians identified through December 31, 2015 by June 1, 2016.
2. Parties shall substantially complete document production and shall exchange privilege logs for all custodians identified through April 29, 2016 by September 2, 2016.
3. Fact discovery shall be completed by March 1, 2017.
4. Plaintiffs' expert disclosures and expert reports shall be submitted by May 31, 2017.
5. Defendant's expert disclosures and expert reports shall be submitted by August 31, 2017.
6. All expert discovery shall be completed by October 31, 2017.
7. The parties shall file a status report to the Court by October 31, 2017 advising the Court whether the parties would consent to alternative dispute resolution.
8. All dispositive motions shall be filed and served on December 20, 2017. Should either party seek to file a dispositive motion prior to this date, that party must first meet and confer in good faith with the opposing party to determine whether that issue is appropriately ripe for a dispositive motion.
9. Opposition to dispositive motions shall be filed forty-five (45) days after dispositive motions are filed.
10. Replies to dispositive motions shall be filed twenty (20) days after opposition to dispositive motions are filed.
11. Plaintiffs shall file and serve their motion for class certification by March 1, 2018.
12. Defendant shall file and serve its opposition to class certification by April 5, 2018.

13. Plaintiffs shall file and serve their reply in support of class certification by May 3, 2018.

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13. Plaintiffs shall file and serve their reply in support of class certification by May 3, 2018.

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BY THE COURT:

Lynne A. Sitarski
LYNNE A. SITARSKI, U.S.M.J.

Date: January 8, 2016
~~December~~ —, 2015