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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

21 IN RE: MCKINSEY & CO., INC.
22 NATIONAL PRESCRIPTION OPIATE
CONSULTANT LITIGATION

23 This Document Relates to:

24 ALL ACTIONS

Case No. 21-md-02996-CRB (SK)

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DISCOVERY
DEADLINES**

Judge: Hon. Charles R. Breyer

Courtroom: 6, 17th Floor

STIPULATION

1
2 **WHEREAS**, pursuant to the Supplemental Discovery Schedule entered by the Court on
3 April 6, 2023, the deadline for the parties to submit to Magistrate Judge Kim an agreed-upon
4 discovery search protocol (or competing protocols) is April 24, 2023, or 2 weeks after Plaintiffs’
5 receipt of a hit report, whichever is later (Dkt. 505);

6 WHEREAS, McKinsey produced, and Plaintiffs received, a hit report on April 17, 2023,
7 such that the original deadline for submission of a search protocol was May 1, 2023;

8 WHEREAS, pursuant to stipulation, the Court extended the submission deadline to May
9 19, 2023 (Dkt. 536);

10 WHEREAS, pursuant to stipulation, the Court further extended the submission deadline to
11 May 26, 2023 (Dkt. 551);

12 WHEREAS, the parties continue to discuss an appropriate search protocol and the search
13 terms to be applied pursuant to that protocol;

14 **NOW, THEREFORE**, the parties hereby agree, stipulate, and respectfully request that
15 the Supplemental Discovery Schedule be amended to provide that the parties shall submit an
16 agreed-upon search protocol (or competing proposals) on or before June 23, 2023.

17 **AND WHEREAS**, on March 17, 2023, Magistrate Judge Kim entered a discovery order
18 concerning the sharing of certain discovery from MDL 2804 with McKinsey for use by the parties
19 in MDL 2996 (Dkt. 489);

20 WHEREAS, on April 14, 2023 and April 22, 2023, certain entities that produced
21 discovery in MDL 2804 filed objections to Judge Kim’s discovery order (the “Objections”) (Dkts.
22 520 & 530);

23 WHEREAS, on May 9, 2023, Judge Kim entered an Order Regarding Objections to
24 Discovery Order that addressed the Objections (Dkt. 543);

25 WHEREAS, pursuant to Judge Kim’s May 9, 2023 Order, the parties are required to
26 submit to Judge Kim on or before May 22, 2023 a plan for identifying materials from MDL 2804
27 that are relevant to the claims and defenses in MDL 2996, which was continued to June 2, 2023
28 (Dkt. 554);

1 WHEREAS, the parties continue to discuss an appropriate plan for identifying relevant
2 materials from MDL 2804 and seek additional time to continue those discussions;

3 **NOW, THEREFORE**, the parties hereby agree, stipulate, and respectfully request that
4 the deadline to submit the plan required by Judge Kim’s May 9, 2023 order be extended from
5 June 2, 2023, to June 23, 2023;

6 The parties further hereby agree and stipulate that all other terms and provisions in the
7 Supplemental Discovery Schedule that are not expressly modified herein shall remain as provided
8 therein.

9 **IT IS SO STIPULATED.**

10 Dated: May 26, 2023

By: /s/Elizabeth J. Cabraser

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~~PROPOSED~~ ORDER

Pursuant to stipulation, and for good cause shown, IT IS SO ORDERED.

DATED: May 26, 2023


CHARLES R. BREYER
United States District Judge