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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: OXYCONTIN ANTITRUST LITIGATION

PURDUE PHARMA L.P., THE P.F.  
LABORATORIES, INC., PURDUE  
PHARMACEUTICALS L.P., and  
RHODES TECHNOLOGIES,

Plaintiffs,

-against-

MYLAN PHARMACEUTICALS INC. and  
MYLAN INC.,

Defendants.

PURDUE PHARMA L.P., THE P.F.  
LABORATORIES, INC., PURDUE  
PHARMACEUTICALS L.P., and  
RHODES TECHNOLOGIES,

Plaintiffs,

-against-

EPIC PHARMA, LLC,

Defendant.

PURDUE PHARMA L.P.,  
THE P.F. LABORATORIES, INC., and  
PURDUE PHARMACEUTICALS L.P.,

Plaintiffs,

-against-

AMNEAL PHARMACEUTICALS, LLC,

Defendant.

04 Md. 1603 (SHS)

ORDER

This document relates to:

12 Civ. 2959 (SHS)

13 Civ. 683 (SHS)

13 Civ. 3372 (SHS)

PURDUE PHARMA L.P.,  
THE P.F. LABORATORIES, INC.,  
PURDUE PHARMACEUTICALS L.P., and  
GRÜNENTHAL GMBH,

Plaintiffs,

-against-

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

13 Civ. 4606 (SHS)

PURDUE PHARMA L.P., THE P.F.  
LABORATORIES, INC., PURDUE  
PHARMACEUTICALS L.P., and  
GRÜNENTHAL GMBH,

Plaintiffs,

-against-

SANDOZ INC.,

Defendant.

13 Civ. 7776 (SHS)

SIDNEY H. STEIN, U.S. District Judge.

The Court has received a letter dated November 19, 2013, from plaintiffs Purdue and Grunenthal, (*see* Letter of Robert J. Goldman, Case No. 04-md-1603, Dkt. No. 625), and a responsive letter dated November 22, 2013, from defendants Sandoz, Teva, and Amneal (*see* Letter of Kevin E. Warner, Dkt. No. 626).<sup>1</sup>

Although plaintiffs' letter purported to respond to the Court's Order of November 12, 2013 (Dkt. No. 623), that Order related only to 13 Civ. 7776. Specifically, the Order referred to "the above-captioned case" and repeatedly to "the parties in *this* action" (emphasis added). At the time of plaintiffs' November 19 letter, the following Orders governed the pretrial schedule in their respective actions: the Order of September 20, 2013 (Case No. 04-md-1603, Dkt. No. 592) for the cases captioned in that Order; the Order of August 14, 2013 (Dkt. No. 567) for the cases captioned in that

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<sup>1</sup> The Warner letter was also sent on behalf of Impax, which is no longer a party in this litigation. (*See* Case No. 11-cv-2400, Dkt. No. 147; Case No. 13-cv-763, Dkt. No. 32; Case No. 13-cv-3188, Dkt. No. 14.)

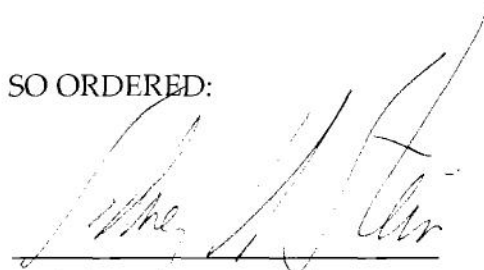
Order; and the Order of November 12, 2013 (Dkt. No. 623) for the one case captioned in that Order. This clarification is significant because plaintiffs have requested extensions of the pretrial schedule for all of the actions set for trial on July 8, 2014.

The Court orders as follows:

1. Plaintiffs have requested an extension of time for the filing of opening claim construction briefs until January 24, 2014. The Court denies this request. The parties are ordered to file their opening claim construction briefs by January 15, 2014, in all actions set for trial on July 8, 2014.
2. Plaintiffs have requested an extension of fact discovery to January 17, 2014. The Court grants an extension of fact discovery to January 8, 2014, in all actions set for trial on July 8, 2014.
3. Plaintiffs' letter asserts that several depositions noticed by defendants should not be taken because the fact witnesses have already been deposed in prior, related cases. Defendants respond that although the witnesses have been deposed before, the previous depositions were "taken in other OxyContin cases, which involved *different patents* or asserted one of the same patents against *different defendants*." (Warner Letter at 1.) The mere fact of a witness's prior deposition in a separate, albeit formally related, action does not foreclose a further deposition. Defendants may take these depositions, although the Court notes that the parties must avoid seeking duplicative discovery.

Dated: New York, New York  
December 6, 2013

SO ORDERED:

A handwritten signature in black ink, appearing to read "S. H. Stein", is written over a horizontal line.

Sidney H. Stein, U.S.D.J.