

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA

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IN RE LORAZEPAM & CLORAZEPATE  
ANTITRUST LITIGATION  
\_\_\_\_\_

) MDL-1290 (TFH)  
) Misc. No. 99ms276  
) Judge Thomas F. Hogan  
)

) This document relates to:  
)

) **FILED**

) DOROTHY KENDRICK, et al.,  
)

) AUG 20 2003

) Plaintiffs,  
)

) NANCY MAYER WHITTINGTON, CLERK  
) U.S. DISTRICT COURT

) v.  
)

) No. 3:03-626 (S.D. Miss.)  
)

) MYLAN LABORATORIES, INC., et al.,  
)

) Defendants.  
\_\_\_\_\_

~~TFH~~  
STIPULATION AND ~~PROPOSED~~ ORDER

Plaintiffs and defendants, through counsel, hereby agree and stipulate as follows with respect to the briefing of various motions that have been filed in the this action:

1. Plaintiffs filed, but did not serve, the original complaint in this action in Mississippi state court on December 31, 2002.
2. Plaintiffs filed an amended complaint in Mississippi state court on or about March 23, 2003.
3. Plaintiffs served the original and amended complaints on defendants in April 2003.
4. On or about May 5, 2003, defendants removed this action to federal court on diversity grounds.
5. On or about May 6, 2003, defendants filed a notice of tag-along action with the JPML with respect to this action on the ground that it involves

common questions of fact as those actions already consolidated before this Court as part of the above-captioned MDL proceedings.

6. On or about June 24, 2003, the United States District Court for the Southern District of Mississippi stayed all proceedings in this action pending its transfer to this Court.

7. On or about July 30, 2003, this action was transferred, without objection, to this Court by the JPML.

8. There are two motions pending in this action at this time – (a) Defendants’ Motion for Judgment on the Pleadings (filed June 4, 2003); and (b) Plaintiffs’ Motion to Remand (filed June 26, 2003). Neither motion has been fully briefed as a result of the stay entered by Judge Wingate.

9. The following memoranda need to be filed in order to complete the briefing on the pending motions: (a) defendants’ reply in support of the motion for judgment on the pleadings; (b) defendants’ opposition to plaintiffs’ motion to remand; and (c) plaintiffs’ reply in support of the motion to remand. Plaintiffs also wish to make a supplemental filing in opposition to the motion for judgment on the pleadings. While defendants reserve all rights to dispute the contents of that supplemental filing, they do not object to the submission of the filing according to the schedule proposed below.

10. In order to permit the parties sufficient time to brief the motions discussed above and the Court to familiarize itself with this new action, the parties respectfully propose the following briefing schedule for the pending motions:

Defendants’ Motion for Judgment on the Pleadings

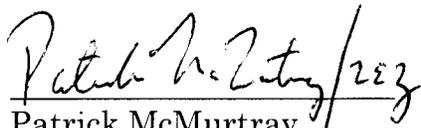
Deadline for plaintiffs’ supplemental filing: September 30, 2003

Deadline for defendants’ reply: October 17, 2003

Plaintiffs' Motion to Remand

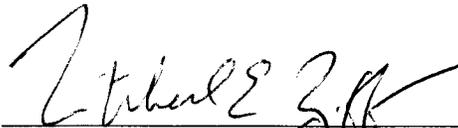
Deadline for defendants' opposition: September 30, 2003

Deadline for plaintiffs' reply: October 17, 2003



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On behalf of Plaintiffs



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On behalf of Defendants

SO ORDERED:



Honorable Thomas F. Hogan  
Chief Judge, United States District Court

Date: Aug 19, 2003

**CERTIFICATE OF SERVICE**

I, Mitchell E. Zamoff, one of the attorneys for Defendants herein, do hereby certify that I have this day caused to be mailed, postage prepaid, a true and correct copy of the foregoing to:

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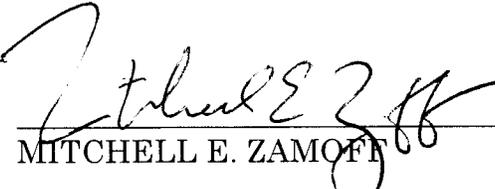
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This the 14<sup>th</sup> day of August, 2003.

  
\_\_\_\_\_  
MITCHELL E. ZAMOFF