

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

AUG 16 2010

Stephan Harris, Clerk
Cheyenne

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

CODY LABORATORIES, INC., a Wyoming
corporation, and LANNETT CO., INC., a
Delaware corporation,

Plaintiffs,

v.

THE HONORABLE KATHLEEN SEBELIUS,
SECRETARY, U.S. Department of Health and
Human Services, and DR. MARGARET A.
HAMBURG, COMMISSIONER, U.S. Food and
Drug Administration,

Defendants.

No. 10-CV-00147-ABJ

**ORDER ON STATUS CONFERENCE AND PLAINTIFFS' MOTION FOR
CLARIFICATION, AMENDMENT, OR RECONSIDERATION OF ORDER**

The Plaintiffs' Motion for Clarification, Amendment, or Reconsideration of Order (Docket Entry 35) and defendants' Memorandum in Opposition to the motion (Docket Entry 36) came before the Court at a status conference held on August 13, 2010. Counsel for the parties appeared in person or by telephone conference call. After discussion with counsel concerning the motion for reconsideration, the Court determined that further briefing as to the jurisdictional issues would be

helpful. Thus, the Court has determined that the Motion for Clarification, Amendment, or Reconsideration should be granted, to the extent that the jurisdictional issues in dispute may be more fully briefed and presented to the Court upon motions to dismiss pursuant to Rule 12(b)(1) and (6). To that end, a schedule for briefing the jurisdictional issues was established at the status conference:

(1) Defendants' motion pursuant to Rule 12(b)(1) and (6) shall be filed on or before August 30, 2010.

(2) Plaintiffs' responses to the defendants' motion(s) shall be filed on or before September 14, 2010.

(3) Defendants' further reply, if necessary, shall be filed on or before September 28, 2010.

(4) A hearing on the motions shall be held October 8, 2010 at 1:30 p.m. in Cheyenne, Wyoming.

(5) Filing of the administrative record shall be stayed until such time as the Court has ruled on the motions.

Accordingly, it is hereby

ORDERED that the plaintiffs' Motion for Clarification, Amendment, or Reconsideration of Order (Docket 35), as reflected more fully on the record of the proceedings, shall be granted, to the extent that jurisdictional issues may be briefed and heard more fully. **It is further**

ORDERED that the above captioned matter shall be restored to the docket for these limited proceedings. **It is further**

ORDERED that the filing of the administrative record shall be stayed until such time as the Court has ruled on the motions to be filed pursuant to this Order.

Dated this 13th day of August 2010.


ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE