

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MYLAN PHARMACEUTICALS, INC.,
ROCHESTER DRUG CO-OPERATIVE, INC.,
MEIJER, INC., MEIJER DISTRIBUTION, INC.,
and
AMERICAN SALES COMPANY, LLC,**

Plaintiffs,

v.

**WARNER CHILCOTT PUBLIC LIMITED
COMPANY, et al.,**

Defendants.

**Civ. No. 12-3824
CONSOLIDATED**

**DEFENDANT WARNER CHILCOTT’S MOTION TO DISMISS PLAINTIFF MYLAN’S
COMPLAINT AND THE CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the attached Memorandum of Law, Defendant Warner Chilcott respectfully requests that the Court dismiss with prejudice all of Plaintiffs’ claims in both the Complaint filed on July 6, 2012, by Mylan Pharmaceuticals, Inc., and the Consolidated Amended Class Action Complaint filed on August 13, 2012, by Rochester Drug Co-operative, Inc., Meijer Inc., Meijer Distribution, Inc., and American Sales Company, LLC.

Dated: October 1, 2012

By: /s/ David H. Pittinsky _____

David H. Pittinsky
M. Norman Goldberger
Edward D. Rogers
Evan W. Krick
BALLARD SPAHR LLP
1735 Market Street
Philadelphia, Pennsylvania 19103-7599
Telephone No.: 215-864-8500
Fax No.: 215-864-8999
pittinsky@ballardspahr.com
goldbergerm@ballardspahr.com
rogerse@ballardspahr.com
kricke@ballardspahr.com

By: /s/ J. Mark Gidley _____

J. Mark Gidley (admitted PHV)
Peter J. Carney (admitted PHV)
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
Telephone No.: 202-626-3600
Fax No.: 202-639-9355
mgidley@whitecase.com
pcarney@whitecase.com

and

Jack E. Pace III (admitted PHV)
WHITE & CASE LLP
1155 Avenue of the Americas
New York, New York 10036-2787
Telephone No.: 212-819-8200
Fax No.: 212-354-8113
jpace@whitecase.com

*Attorneys for Defendants Warner Chilcott
Public Limited Company, Warner Chilcott,
LLC, Warner Chilcott (US), LLC, Warner
Chilcott Holdings Company III, Ltd., and
Warner Chilcott Laboratories Ireland Ltd.*

CERTIFICATE OF SERVICE

I, Peter J. Carney, certify that on October 1, 2012, I caused true and correct copies of the foregoing Defendant Warner Chilcott's Motion to Dismiss Plaintiff Mylan's Complaint and the Consolidated Amended Class Action Complaint and a proposed Order to be served through the CM/ECF system and by e-mail upon all counsel of record.

Dated: October 1, 2012

By: /s/ Peter J. Carney
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
Telephone No.: 202-626-3600
Fax No.: 202-639-9355
mikeda@whitecase.com