

CLOSED,COMPLEX-CSMGMT,ECF,LEAD,RELATED

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-03711-VM

In re ADDERALL XR ANTITRUST LITIGATION
Assigned to: Judge Victor Marrero
Related Case: [1:12-cv-05001-VM](#)
Cause: 15:2 Antitrust Litigation

Date Filed: 05/09/2012
Date Terminated: 03/07/2013
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Louisiana Wholesale Drug Company, Inc.
on behalf of itself and all others similarly situated

represented by **Bruce E. Gerstein**
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V.

Consolidated Plaintiff

Value Drug Company

on behalf of itself and all others similarly situated

represented by **David C Raphael , Jr**
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

David P Smith
 (See above for address)
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V.

Defendant

Shire LLC

represented by **John F Collins**
 Frommer Lawrence & Haug LLP

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Defendant

Shire U.S., Inc.

represented by **John F Collins**
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Michael F. Brockmeyer
 (See above for address)
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/09/2012	1	COMPLAINT against Shire LLC, Shire U.S., Inc. (Filing Fee \$ 350.00, Receipt Number 7778)Document filed by Louisiana Wholesale Drug Company, Inc.(ama) (ama). (Entered: 05/14/2012)
05/09/2012		SUMMONS ISSUED as to Shire LLC, Shire U.S., Inc. (ama) (Entered: 05/14/2012)
05/09/2012		CASE REFERRED TO Judge Miriam Goldman Cedarbaum as possibly related to 1:10-cv-8386. (ama) (Entered: 05/14/2012)
05/09/2012		Case Designated ECF. (ama) (Entered: 05/14/2012)
05/09/2012	2	STANDING ORDER IN RE PILOT PROJECT REGARDING CASE MANAGEMENT TECHNIQUES FOR COMPLEX CIVIL CASES IN THE SOUTHERN DISTRICT OF NEW YORK (See M-10-468 Order filed November 1, 2011). This case is hereby designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York (the Pilot Project), unless the judge to whom this case is assigned determines otherwise. This case is designated for inclusion in the Pilot Project because it is a class action, an MDL action, or is in one of the following Nature of Suit categories: 160, 245, 315, 355, 365, 385, 410, 830, 840, 850, 893, or 950. The presiding judge in a case that does not otherwise qualify for inclusion in the Pilot Project may nevertheless designate the case for inclusion in the Pilot Project by issuing an order directing that the case be included in the Pilot Project. The description of the Pilot Project, including procedures to be followed, is attached to this Order. (Signed by Judge Loretta A. Preska on 10/31/2011) (ama) (Entered: 05/14/2012)
05/23/2012		CASE ACCEPTED AS RELATED. Create association to 1:10-cv-08386-MGC. Notice of Assignment to follow. (pgu) (Entered: 05/23/2012)
05/23/2012	3	NOTICE OF CASE ASSIGNMENT to Judge Miriam Goldman Cedarbaum. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 05/23/2012)
05/23/2012		Magistrate Judge Andrew J. Peck is so designated. (pgu) (Entered: 05/23/2012)
05/23/2012		CASE DECLINED AS NOT RELATED. Case referred as related to 10-cv-8386 and declined by Judge Miriam Goldman Cedarbaum and returned to wheel for assignment. ***Clerical Error*** (pgu) (Entered: 05/23/2012)
05/23/2012	4	NOTICE OF CASE REASSIGNMENT to Judge Victor Marrero. Judge Miriam Goldman Cedarbaum is no longer assigned to the case. *** Clerical Error*** (pgu) (Entered: 05/23/2012)

05/23/2012	5	NOTICE OF APPEARANCE by Kimberly Marion Hennings on behalf of Louisiana Wholesale Drug Company, Inc. (Hennings, Kimberly) (Entered: 05/23/2012)
05/23/2012	6	NOTICE OF APPEARANCE by Bruce E. Gerstein on behalf of Louisiana Wholesale Drug Company, Inc. (Gerstein, Bruce) (Entered: 05/23/2012)
06/04/2012	7	MOTION for Michael F. Brockmeyer to Appear Pro Hac Vice. Document filed by Shire LLC, Shire U.S., Inc.(pgu) (pgu). (Entered: 06/04/2012)
06/05/2012	8	ORDER GRANTING ADMISSION OF MICHAEL F. BROCKMEYER PRO HAC VICE: granting 7 Motion for Michael F. Brockmeyer to Appear Pro Hac Vice. (Signed by Judge Victor Marrero on 6/5/2012) (js) (Entered: 06/05/2012)
06/11/2012	9	AFFIDAVIT OF SERVICE of Summons and Complaint. Shire LLC served on 5/11/2012, answer due 6/1/2012; Shire U.S., Inc. served on 5/31/2012, answer due 6/21/2012. Service was made by Tom VanAuken, Donna Morges. Document filed by Louisiana Wholesale Drug Company, Inc.. (Hennings, Kimberly) (Entered: 06/11/2012)
06/20/2012		CASHIERS OFFICE REMARK on 7 Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 06/04/2012, Receipt Number 1039969. (jd) (Entered: 06/20/2012)
06/29/2012	10	NOTICE of of Motion to Dismiss the Complaint. Document filed by Shire LLC, Shire U.S., Inc.. (Collins, John) (Entered: 06/29/2012)
06/29/2012	11	MOTION to Dismiss <i>the Complaint</i> . Document filed by Shire LLC, Shire U.S., Inc..(Collins, John) (Entered: 06/29/2012)
06/29/2012	12	MEMORANDUM OF LAW in Support re: 11 MOTION to Dismiss <i>the Complaint</i> .. Document filed by Shire LLC, Shire U.S., Inc.. (Collins, John) (Entered: 06/29/2012)
07/06/2012	13	STIPULATION AND ORDER: Response to Motion to Dismiss due by 7/20/2012. (Signed by Judge Victor Marrero on 7/5/2012) (cd) (Entered: 07/06/2012)
07/16/2012	14	MOTION for Stuart E. Des Roches to Appear Pro Hac Vice. Document filed by Louisiana Wholesale Drug Company, Inc.(pgu) (Entered: 07/16/2012)
07/16/2012	15	MOTION for John E. Fitzpatrick, III to Appear Pro Hac Vice. Document filed by Louisiana Wholesale Drug Company, Inc.(pgu) (Entered: 07/16/2012)
07/17/2012		CASHIERS OFFICE REMARK on 14 Motion to Appear Pro Hac Vice, 15 Motion to Appear Pro Hac Vice in the amount of \$400.00, paid on 07/16/2012, Receipt Number 1043759, 1043760. (jd) (Entered: 07/17/2012)
07/17/2012	16	ORDER GRANTING ADMISSION OF JOHN E. FITZPATRICK III PRO HAC VICE: granting 15 Motion for John E. Fitzpatrick to Appear Pro Hac Vice. (Signed by Judge Victor Marrero on 7/17/2012) (js) (Entered: 07/17/2012)
07/17/2012	17	ORDER GRANTING ADMISSION OF STUART E. DES ROCHES PRO HAC VICE: granting 14 Motion for Stuart E. Des Roches to Appear Pro Hac Vice. (Signed by Judge Victor Marrero on 7/17/2012) (js) (Entered: 07/17/2012)
07/18/2012	18	NOTICE OF CHANGE OF ADDRESS by John F Collins on behalf of All Defendants. New Address: Frommer Lawrence & Haug LLP, 745 Fifth Avenue, New York, New York, USA 10151, 212-588-0800. (Collins, John) (Entered: 07/18/2012)
07/20/2012	19	MEMORANDUM OF LAW in Opposition re: 11 MOTION to Dismiss <i>the Complaint</i> .. Document filed by Louisiana Wholesale Drug Company, Inc.. (Hennings, Kimberly) (Entered: 07/20/2012)
07/27/2012	20	REPLY MEMORANDUM OF LAW in Support re: 11 MOTION to Dismiss <i>the Complaint</i> .. Document filed by Shire LLC, Shire U.S., Inc.. (Collins, John) (Entered: 07/27/2012)
09/14/2012	21	Letter addressed to Judge Victor Marrero from Joseph Opper, Esq. dated 7/31/2012 re: We write pursuant to the Court's Individual Practices to request that the Court not consider new matters raised for the first time in defendants' reply brief in support of their motion to dismiss. Document filed by Louisiana Wholesale Drug Company, Inc.(ama) (Entered: 09/14/2012)
10/17/2012	22	CONSENT ORDER CONSOLIDATING RELATED ACTIONS: 1. The following actions are hereby related and consolidated for all purposes, including pre-trial proceedings and trial: Louisiana Wholesale Drug Co. v. Shire LLC, et. al. 1 :12-cv-3711 (VM) May 9, 2012 Value Drug Co. v. Shire LLC, et al. 1:12-cv-5001 (VM). Every

		pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption: IN RE ADDERALL XR ANTITRUST LITIGATION. 3. When a pleading or other court paper filed in the Consolidated Action is intended to apply to all actions therein, the words "All Actions" shall appear immediately after the words "THIS DOCUMENT RELATES TO: " in the caption set out above. When a pleading or other court paper is intended to be applicable only to one, or some, but not all of such actions, the filing shall so indicate on the document to be filed; 4. The files of these consolidated actions shall be maintained in one file under Master Docket No. 1 :12-cv-3711 (VM); 5. Defendants' motion to dismiss and all related briefing filed in the LWD Action shall be deemed to be filed in the Value Drug Action; 6. Defendants' time to respond to the complaint filed in the Value Drug Action is extended until fourteen (14) days after the entry of an Order deciding Defendants' motion to dismiss; 7. This Order shall apply to each case, arising out of the same or substantially the same transactions or events as these cases, which is subsequently filed in, removed to, or transferred to this Court; 8. When a case that properly belongs as part of the In re Adderall XR Antitrust Litigation, Master Docket No. 1 :12-cv-3711 (VM), is hereafter filed in the Court or transferred here from another court, this Court requests the assistance of counsel in calling to the attention of the clerk of the Court the filing or transfer of any case which might properly be consolidated as part of the In re Adderall XR Antitrust Litigation, Master Docket No. 1:12-cv-3711 (VM), and counsel are to assist in assuring that counsel in subsequent actions receive notice of this Order.(Signed by Judge Victor Marrero on 10/17/2012) (djc) (Entered: 10/17/2012)
11/07/2012	23	RULE 26(f) DISCOVERY PLAN REPORT.Document filed by Louisiana Wholesale Drug Company, Inc..Associated Cases: 1:12-cv-03711-VM, 1:12-cv-05001-VM(Hennings, Kimberly) (Entered: 11/07/2012)
11/29/2012	24	ENDORSED LETTER to: JUDGE Victor Marrero Honorable and MAGISTRATE JUDGE Andrew J. Peck re: letter by counsel for plaintiffs writes in opposition to Defendants' letter request of November 26, 2012 seeking permission to file a motion to stay discovery pending disposition of Defendants' motion to dismiss. ENDORSEMENT: The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by Plaintiffs. (Signed by Judge Victor Marrero on 11/28/2012) Filed In Associated Cases: 1:12-cv-03711-VM, 1:12-cv-05001-VM(pl) Modified on 12/3/2012 (pl). (Entered: 11/29/2012)
01/25/2013	25	MOTION for David C. Raphael, Jr. to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8176814. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Louisiana Wholesale Drug Company, Inc., Value Drug Company. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Text of Proposed Order)(Raphael, David) (Entered: 01/25/2013)
01/25/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 25 MOTION for David C. Raphael, Jr. to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8176814. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bwa) (Entered: 01/25/2013)
02/05/2013	26	MOTION for David P. Smith to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8206016. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Louisiana Wholesale Drug Company, Inc., Value Drug Company. (Attachments: # 1 Exhibit LA Certificate of Good Standing, # 2 Exhibit TN Certificate of Good Standing, # 3 Text of Proposed Order)(Smith, David) (Entered: 02/05/2013)
02/06/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 26 MOTION for David P. Smith to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8206016. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bwa) (Entered: 02/06/2013)
03/06/2013	27	DECISION AND ORDER: For the reasons stated above, it is hereby ORDERED that the motion (Dkt. No. 12) of defendants Shire LLC and Shire U.S., Inc., to dismiss the complaint of plaintiff Louisiana Wholesale Drug Company, Inc., is GRANTED.The Clerk of Court is directed to terminate any pending motions and to close this case. (Signed by Judge Victor Marrero on 3/6/2013) (js) (Entered: 03/06/2013)
03/06/2013		Transmission to Judgments and Orders Clerk. Transmitted re: 27 Order on Motion to Dismiss,, to the Judgments and Orders Clerk. (js) (Entered: 03/06/2013)
03/07/2013	28	CLERK'S JUDGMENT That for the reasons stated in the Court's Decision and Order dated March 6, 2013, defendants Shire LLC and Shire U.S. Inc.s motion to dismiss the complaint of plaintiff Louisiana Wholesale Drug Company, Inc., is granted; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 3/7/13) (Attachments: # 1 Notice of Right to Appeal)Filed In Associated Cases: 1:12-cv-03711-VM, 1:12-cv-05001-VM(dt) Modified on 3/8/2013 (dt). (Entered: 03/08/2013)

04/02/2013	29	NOTICE OF APPEAL from (12 in 1:12-cv-05001-VM, 28 in 1:12-cv-03711-VM) Clerk's Judgment, (27 in 1:12-cv-03711-VM) Order on Motion to Dismiss, (11 in 1:12-cv-05001-VM) Order., Document filed by Value Drug Company, Louisiana Wholesale Drug Company, Inc.. Filing fee \$ 455.00, receipt number 0208-8377784. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. Filed In Associated Cases: 1:12-cv-03711-VM, 1:12-cv-05001-VM(Hennings, Kimberly) (Entered: 04/02/2013)
04/02/2013		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: (13 in 1:12-cv-05001-VM, 29 in 1:12-cv-03711-VM) Notice of Appeal. Filed In Associated Cases: 1:12-cv-03711-VM, 1:12-cv-05001-VM.(tp) (Entered: 04/02/2013)
04/02/2013		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for (21 in 1:12-cv-03711-VM) Letter, filed by Louisiana Wholesale Drug Company, Inc., (2 in 1:12-cv-03711-VM) Standing Order re Complex Civil Cases, (8 in 1:12-cv-03711-VM) Order on Motion to Appear Pro Hac Vice, (5 in 1:12-cv-03711-VM) Notice of Appearance filed by Louisiana Wholesale Drug Company, Inc., (12 in 1:12-cv-05001-VM, 28 in 1:12-cv-03711-VM) Clerk's Judgment, (9 in 1:12-cv-03711-VM) Affidavit of Service Complaints, filed by Louisiana Wholesale Drug Company, Inc., (7 in 1:12-cv-03711-VM) MOTION for Michael F. Brockmeyer to Appear Pro Hac Vice. filed by Shire LLC, Shire U.S., Inc., (23 in 1:12-cv-03711-VM, 9 in 1:12-cv-05001-VM) Rule 26(f) Discovery Plan Report filed by Louisiana Wholesale Drug Company, Inc., (13 in 1:12-cv-03711-VM, 13 in 1:12-cv-03711-VM) Stipulation and Order, Set Deadlines/Hearings, (6 in 1:12-cv-03711-VM) Notice of Appearance filed by Louisiana Wholesale Drug Company, Inc., (26 in 1:12-cv-03711-VM) MOTION for David P. Smith to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8206016. Motion and supporting papers to be reviewed by Clerk's Office staff. filed by Value Drug Company, Louisiana Wholesale Drug Company, Inc., (3 in 1:12-cv-05001-VM) Affidavit of Service Complaints filed by Value Drug Company, (16 in 1:12-cv-03711-VM) Order on Motion to Appear Pro Hac Vice, (19 in 1:12-cv-03711-VM) Memorandum of Law in Opposition to Motion filed by Louisiana Wholesale Drug Company, Inc., (6 in 1:12-cv-05001-VM) Notice of Appearance filed by Value Drug Company, (13 in 1:12-cv-05001-VM, 29 in 1:12-cv-03711-VM) Notice of Appeal, filed by Value Drug Company, Louisiana Wholesale Drug Company, Inc., (3 in 1:12-cv-03711-VM) Notice of Case Assignment/Reassignment, (10 in 1:12-cv-05001-VM, 24 in 1:12-cv-03711-VM) Memo Endorsement., (27 in 1:12-cv-03711-VM) Order on Motion to Dismiss, (25 in 1:12-cv-03711-VM) MOTION for David C. Raphael, Jr. to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8176814. Motion and supporting papers to be reviewed by Clerk's Office staff. filed by Value Drug Company, Louisiana Wholesale Drug Company, Inc., (12 in 1:12-cv-03711-VM) Memorandum of Law in Support of Motion filed by Shire LLC, Shire U.S., Inc., (17 in 1:12-cv-03711-VM) Order on Motion to Appear Pro Hac Vice, (18 in 1:12-cv-03711-VM) Notice of Change of Address filed by Shire LLC, Shire U.S., Inc., (8 in 1:12-cv-05001-VM, 22 in 1:12-cv-03711-VM) Consent Order, (4 in 1:12-cv-05001-VM) Affidavit of Service Complaints filed by Value Drug Company, (14 in 1:12-cv-03711-VM) MOTION for Stuart E. Des Roches to Appear Pro Hac Vice filed by Louisiana Wholesale Drug Company, Inc., (1 in 1:12-cv-03711-VM) Complaint filed by Louisiana Wholesale Drug Company, Inc., (2 in 1:12-cv-05001-VM) Standing Order re Complex Civil Cases, (4 in 1:12-cv-03711-VM) Notice of Case Assignment/Reassignment, (15 in 1:12-cv-03711-VM) MOTION for John E. Fitzpatrick, III to Appear Pro Hac Vice filed by Louisiana Wholesale Drug Company, Inc., (5 in 1:12-cv-05001-VM) Notice of Appearance filed by Value Drug Company, (11 in 1:12-cv-05001-VM) Order, (11 in 1:12-cv-03711-VM) MOTION to Dismiss <i>the Complaint</i> filed by Shire LLC, Shire U.S., Inc., (7 in 1:12-cv-05001-VM) Notice of Case Assignment/Reassignment, (10 in 1:12-cv-03711-VM) Notice (Other) filed by Shire LLC, Shire U.S., Inc., (20 in 1:12-cv-03711-VM) Reply Memorandum of Law in Support of Motion filed by Shire LLC, Shire U.S., Inc. were transmitted to the U.S. Court of Appeals. Filed In Associated Cases: 1:12-cv-03711-VM, 1:12-cv-05001-VM.(tp) (Entered: 04/02/2013)
08/18/2014	30	MANDATE of USCA (Certified Copy) as to (13 in 1:12-cv-05001-VM, 29 in 1:12-cv-03711-VM) Notice of Appeal, filed by Value Drug Company, Louisiana Wholesale Drug Company, Inc. USCA Case Number 13-1232. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 08/18/2014. Filed In Associated Cases: 1:12-cv-03711-VM, 1:12-cv-05001-VM(nd) (Entered: 08/18/2014)
08/20/2014	31	Costs Taxed as to (14 in 1:12-cv-05001-VM, 30 in 1:12-cv-03711-VM) USCA Mandate., USCA Case Number 13-1232. in the amount of \$197.00. on 08/20/2014 in favor of Appellees Shire LLC, Shire U.S., Inc. against Appellants Value Drug Company, Louisiana Wholesale Drug Company, Inc. et al. Filed In Associated Cases: 1:12-cv-03711-VM, 1:12-cv-05001-VM(nd) (Entered: 08/20/2014)

