

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHARMACY PROVIDERS OF
OKLAHOMA, INC.,

Plaintiff,

No. 2:13-mc-0027 LKK KJN

V.

Q PHARMACY, INC., et al.

Defendants.

ORDER

Presently pending before the court is defendant Q Pharmacy, Inc.’s (“Q” motion to quash plaintiff Pharmacy Providers of Oklahoma, Inc.’s (“plaintiff”) third-party complaint on McKesson Corporation, filed in this court on March 25, 2013. (Dkt. No. 1.) The motion has not been noticed for any specific hearing date. According to Q Pharmacy, the issue arises from plaintiff’s lawsuit against Q Pharmacy and other defendants in the District of Oklahoma, where motions to dismiss, and a motion to stay discovery pending the outcome of the motions to dismiss and the conduct of a Rule 26(f) conference, remain pending.

Accordingly, IT IS HEREBY ORDERED that:

24 1. Plaintiff shall file any opposition to Q Pharmacy's motion to quash no later
25 than March 29, 2013, at 12:00 p.m. In the alternative, the parties may file a stipulation to stay
26 production by McKesson in response to the subpoena pending a ruling on the motion to stay

1 discovery in the Western District of Oklahoma.

2 2. After reviewing the parties' briefing, the court will set the motion for a hearing
3 if necessary.

4 3. The parties shall promptly notify the court if the motion to quash is mooted by
5 any proceedings in the Western District of Oklahoma.

6 IT IS SO ORDERED.

7 DATED: March 26, 2013

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10 KENDALL J. NEWMAN
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12 UNITED STATES MAGISTRATE JUDGE
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