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United States District Court
For the Northern District of California

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

GOLDEN GATE PHARMACY SERVICES,
INC., d/b/a GOLDEN GATE PHARMACY, et
al.,

Plaintiffs,

v.

PFIZER, INC., and WYETH,

Defendants

No. C-09-3854 MMC

**ORDER DENYING PLAINTIFFS’
APPLICATION FOR TEMPORARY
RESTRAINING ORDER FILED
OCTOBER 16, 2009**

Before the Court is plaintiffs’ “Application for Temporary Restraining Order and Order to Show Cause” (“October Application”), filed October 16, 2009. On October 30, 2009, defendants filed opposition. Thereafter, on November 20, 2009, plaintiffs filed an “Ex Parte Application for a Temporary Restraining Order and Order to Show Cause” (“November Application”) and defendants, on November 20, 2009, filed opposition thereto. By order filed November 20, 2009, the Court denied the November Application, but stated it would consider, in ruling on the October Application, the evidence submitted in support of and in opposition to the November Application. Having read and considered the above-referenced filings, the Court rules as follows.


By order filed concurrently herewith, the Court has dismissed plaintiffs’ First Amended Complaint, and, consequently, plaintiffs cannot establish they are likely to

1 succeed on the merits of the claims in the First Amended Complaint. See Winter v. Natural
2 Res. Def. Council, Inc., 129 S. Ct. 365, 374 (2008) (holding party seeking injunction “must
3 establish,” inter alia, it is “likely to succeed on the merits” of its claim).

4 Accordingly, the October Application is hereby DENIED.¹

5 **IT IS SO ORDERED.**

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7 Dated: December 2, 2009

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9 MAXINE M. CHESNEY
10 United States District Judge

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¹The December 4, 2009 hearing is hereby VACATED.