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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHIRE LLC and SUPERNUS
PHARMACEUTICALS, INC.,)

Plaintiffs,)

v.)

IMPAX LABORATORIES, INC.,)
WATSON PHARMACEUTICALS, INC.,)
WATSON LABORATORIES, INC.–)
FLORIDA, WATSON PHARMA, INC., and)
ANDA, INC.,)

Defendants.)

AND RELATED COUNTERCLAIMS.)

Civil Action No. 10-CV-05467 RS

**JOINT LETTER TO MAGISTRATE
JUDGE MARIA-ELENA JAMES
REQUESTING PARTIAL RELIEF
FROM DISCOVERY ORDER (DOC.
NO. 231); AND
~~PROPOSED~~ ORDER THEREON**

Plaintiffs and Impax jointly request that the Court amend the Court’s November 26, 2012 Order (Doc. No. 231) to relieve Impax of its obligation to produce its ESI within 14 days.

On November 11, 2012, the parties submitted a Joint Stipulation Resolving Plaintiffs’ Motion for Relief from Case Management Order (Doc. No. 227). The parties proposed extending the fact discovery cut-off from December 21, 2012, to May 3, 2012. The Court granted the parties’ joint request on November 16, 2012 (Doc. No. 229).

In connection with the agreed upon extension of the discovery schedule, the parties entered into a written letter agreement settling the dispute regarding the timing of Impax’s production of its ESI. The parties agreed that that Impax would substantially complete its ESI production by January 18, 2013. In light of the parties’ agreement, Impax has scheduled the collection and review of its ESI to be substantially complete by January 18, 2013.

Due to lingering effects of hurricane Sandy and the Thanksgiving holiday, the Court was not informed that the parties had resolved the dispute regarding the timing of Impax’s production of its ESI before the Court issued its order on November 26, 2012. The parties

1 apologize to the Court for any inconvenience, and jointly request that the Court relieve Impax of
2 its obligation under the Court's Order to produce its ESI within 14 days.

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Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 28, 2012

By: /s/ Benjamin A. Katzenellenbogen
William R. Zimmerman
Sheila N. Swaroop
Benjamin A. Katzenellenbogen
Colin B. Heideman

Attorneys for Defendant
IMPAX LABORATORIES, INC.

TROUTMAN SANDERS LLP

Dated: November 28, 2012

By: /s/ Heather Morehouse Ettinger
Joseph R. Robinson
Heather Morehouse Ettinger
Matthew D. Murphey

Attorneys for Plaintiffs
SHIRE LLC and SUPERNUS
PHARMACEUTICALS, INC.

SIGNATURE ATTESTATION

Pursuant to Civil L.R. 5-1, I hereby attest that concurrence in the filing of the foregoing
document has been obtained from counsel for Plaintiffs Shire LLC and Supernus
Pharmaceuticals, Inc., as indicated by a "conformed" signature (/s/).

/s/ Benjamin A. Katzenellenbogen
Benjamin A. Katzenellenbogen

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~~**PROPOSED ORDER**~~

Having read the parties' joint request to amend, and good cause appearing therefore, the Court hereby ORDERS that its November 26, 2012 Order (Doc. No. 231) is hereby amended to relieve Impax of its obligation to produce its ESI within 14 days of that Order.

IT IS SO ORDERED.

Dated: November 28, 2012



Maria-Elena James
Chief United States Magistrate Judge

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