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

MICHAEL MCBRIDE, et al.,

No. C 13-1533 RS

Plaintiffs,

v.

**ORDER DENYING MOTION TO  
DISMISS AND STRIKE WITHOUT  
PREJUDICE AND CONTINUING  
CASE MANAGEMENT  
CONFERENCE**

MYLAN, INC.,

Defendant.

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Shortly after the pending motion to dismiss and to strike was taken under submission without oral argument pursuant to Civil Local Rule 7-1(b), the parties submitted a stipulation proposing to stay the hearing and disposition of the motion, pending settlement discussions. Pursuant to that stipulation, the matter was stayed for 60 days. The parties now report that settlement discussions remain ongoing, and that a mediation is scheduled for October 7, 2013. Asserting there is a strong likelihood the mediation will be successful, the parties request further deferment of a ruling on the motion.

Good cause appearing, and for administrative purposes, the motion is hereby denied without prejudice. In the event the mediation is unsuccessful, defendant may renew the motion by filing a notice to that effect. No further briefing will be required and the matter will then be again taken under submission without a hearing. By October 18, 2013, either, (1) plaintiffs shall file a

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dismissal of this action, (2) defendants shall renew their motion, or (3) the parties shall file a joint status report describing the results of the mediation and how they propose to proceed. The Case Management Conference is hereby continued to November 21, 2013 at 10:00 a.m.

IT IS SO ORDERED.

Dated: 9/12/13

  
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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE