

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-02606-PAB-KMT

VINTON THEISS,

Plaintiff,

v.

I-FLOW, INC., a Delaware corporation,
ABBOTT LABORATORIES, an Illinois corporation,
ABBOTT LABORATORIES d/b/a AP PHARMACEUTICALS, INC., an Illinois
corporation,
ABBOTT LABORATORIES d/b/a ABBOTT SALES, MARKET & DISTRIBUTION
COMPANY, a Delaware corporation,
HOSPIRA, INC., a Delaware corporation,

Defendants.

ORDER

This matter comes before the Court on the Emergency Motion for Relief from Emergency Motion to Consolidate All “Pain Pump” Cases for Rule 702 and *Daubert* Proceedings Filed in *Hansen v. DJO, Inc.* filed by defendants Abbott Laboratories, Abbott Laboratories, Inc., and Hospira, Inc. (“Defs.’ Mot.”) [Docket No. 89]. As indicated by the title of the motion, these defendants’ motion refers to a motion filed in another case. See *Hansen v. DJO, Inc., et al.*, No. 08-cv-00365-MSK-CBS, Docket No. 148. Defendants’ rationale is that “[b]ecause Abbott and Hospira are not parties to *Hansen*, their sole method of objecting to consolidation of these cases is via a petition for emergency relief to this Court.” Def.’s Mot. at 2. However, the defendants in *Hansen* have attached this motion to a supplemental brief in that case and these

defendants' position has therefore been made known to Judge Krieger. *See Hansen*, No. 08-cv-00365, ex. 1 to Docket No. 167. Therefore, it is

ORDERED that defendants' motion [Docket No. 89] is denied as moot.

DATED November 9, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge