

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 05-60158-CIV-JORDAN

ELAN CORPORATION, PLC)
Plaintiff)
vs.)
ANDRX PHARMACEUTICALS, INC.)
Defendant)
_____)

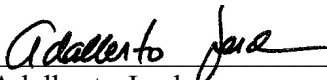
ORDER DENYING MOTION TO CONTINUE STAY AND SETTING TRIAL

Andrx Pharmaceuticals’ motion to continue the stay [D.E. 32] is DENIED. I agree with Elan that continuing the stay in this action would lead to piecemeal appeals and would unnecessarily delay these proceedings. Accordingly, the stay of this action is hereby lifted.

This case is set for a bench trial on damages during the Court’s two-week trial calendar beginning on April 27, 2009. Calendar call will be held at 9:00 a.m. on April 21, 2009. No pre-trial conference will be held unless a party requests one no later than 30 days prior to the calendar call or the Court determines that one is necessary. The parties shall adhere to this schedule:

- December 19, 2008 All fact discovery is completed.
- January 16, 2009 Parties exchange expert witness summaries and reports required by Local Rule 16.1.K.
- February 16, 2009 Parties exchange rebuttal expert witness summaries and reports required by Local Rule 16.1.K.
- April 3, 2009 All expert discovery is completed.
- April 10, 2009 Parties to submit joint pre-trial stipulation.

DONE and ORDERED in chambers in Miami, Florida, this 1st day of October, 2008.



 Adalberto Jordan
 United States District Judge

Copy to: All counsel of record