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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BONE CARE INTERNATIONAL, LLC,)
and GENZYME CORPORATION,)

Plaintiffs,)

v.)

PENTECH PHARMACEUTICALS, INC.,)
and COBREK PHARMACEUTICALS,)
INC.,)

Defendants.)

Case No. 08 C 1083

Judge Robert M. Dow

Magistrate Judge
Martin C. Ashman

MEMORANDUM OPINION AND ORDER

Plaintiffs, Bone Care International, LLC, and Genzyme Corporation ("Plaintiffs"), have sued Pentech Pharmaceuticals, Inc., and Cobrek Pharmaceuticals, Inc. ("Defendants"). Currently before this Court is Defendants' Motion for Protective Order to Preclude Plaintiffs' Proposed Supplemental Expert Reports as Beyond the Terms of the Parties' Joint Rule 26(f) Report ("Defendants' Motion" or "Motion") (Dckt. 298). This Court rules on this Motion under Judge Robert M. Dow's referral of this case for discovery supervision pursuant to Local Rule 72.1. For the reasons stated below, the Court grants Defendants' Motion.

I. Discussion

The Court has carefully considered Defendants' Motion and Plaintiffs' opposition to the Motion. In deciding this Motion, the Court observes that on November 24, 2009, in ruling on Defendants' Motion to Extend Time for Certain Expert Reports and for Limited Additional Fact

Discovery (Dckt. 257), the Court indicated—while ruling in favor of an extension—that discovery must have an end, and that this extension was in fact the end. And so it must be.

If Plaintiffs are allowed to supplement their expert reports, no doubt Defendants would be entitled to respond thereto, and Plaintiffs to reply. Thus is created another round of expert reports—with no assurances that new supplemental expert reports would not again be required.

In addition, a new round of expert reports will delay the filing of dispositive motions and inevitably delay the trial of this case—a trial that both sides agree is needed and desirable by mid-July 2010.

Enough is enough. Defendants' Motion is granted.

To alleviate any unfairness to Plaintiffs, this Order does not affect Plaintiffs' ability to seek a motion in limine limiting the opinions and references in the reply report, which it believes are new and unfairly benefit its opponent.

II. Conclusion

For the aforementioned reasons, this Court grants Defendants' Motion.

ENTER ORDER:



MARTIN C. ASHMAN

United States Magistrate Judge

Dated: February 4, 2010.