

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ALCON MANUFACTURING, LTD.,)
ALCON LABORATORIES, INC., and)
KYOWA HAKKO KOGYO CO. LTD.,)
Plaintiffs,)

vs.)

APOTEX INC. AND APOTEX CORP.,)
Defendants.)

1:06-cv-1642-RLY-TAB
(Consolidated)

ALCON RESEARCH, LTD., ALCON)
LABORATORIES, INC. and KYOWA)
HAKKO KOGYO CO. LTD.,)
Plaintiffs,)

vs.)

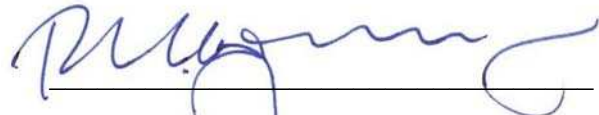
SANDOZ INC.,)
Defendant.)

**ORDER GRANTING APOTEX’S MOTION TO SEVER CLAIMS BY AND
AGAINST SANDOZ INC.**

Pursuant to Federal Rule of Civil Procedure 21 (“Rule 21”), Apotex Inc. and Apotex Corp. (collectively “Apotex”) move to sever all claims by and against Sandoz Inc. (“Sandoz”) in this matter and allow Apotex and Plaintiffs to move forward with the currently scheduled trial on April 26, 2010, without Sandoz. The court, having read and reviewed the motion, and noting that Plaintiffs and Sandoz do not oppose this motion, now **GRANTS** Apotex’s motion (Docket # 250). **IT IS THEREFORE ORDERED,**

ADJUDGED, AND DECREED that Count I of Plaintiffs' February 2, 2009, Complaint against Sandoz and Counts I-III of Sandoz's April 20, 2009, First Amended Answer and Counterclaims are hereby severed and now constitute a separate cause of action under Cause No. 1:09-cv-103-RLY-JMS, the cause in which the claims against Sandoz originally arose. As Cause No. 1:09-cv-103-RLY-JMS is currently closed, the Clerk is **ORDERED** to reopen that cause. The trial on the remaining counts of Cause No. 1:06-cv-1642-RLY-TAB shall proceed on April 26, 2010, as previously scheduled.

SO ORDERED this 22nd day of February 2010.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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