

United States District Court
District of Massachusetts

In re:
CELEXA AND LEXAPRO MARKETING AND SALES PRACTICES LITIGATION
PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 82 HEALTH CARE FUND,
Plaintiff,
v.
FOREST LABORATORIES, INC. and FOREST PHARMACEUTICALS, INC.,
Defendants.
MDL No. 09-02067-NMG
Civil Action No. 13-13113-NMG

ORDER

GORTON, J.

In June, 2016, this Court denied plaintiff's motion for class certification. Plaintiff petitioned the First Circuit Court of Appeals ("the First Circuit") for leave to appeal that denial of class certification and, on the same day, defendants moved to limit the scope of discovery and/or extend the discovery deadlines given that plaintiff could no longer assert its class-based claims.

Plaintiff's petition to appeal the denial of class certification remains pending before the First Circuit.

Accordingly, the discovery and pretrial deadlines in this action are **STAYED** until 30 days after the First Circuit rules on plaintiff's petition to appeal the denial of class certification. If the First Circuit allows the petition, the Court will reconsider the propriety of staying this case. If the First Circuit denies the petition the Court will reset the discovery and pretrial deadlines, allow discovery to proceed in this case and allow defendants to renew their motion for a protective order to limit the scope of discovery.

Defendants' motion for a protective order and/or extension of the discovery deadlines (Docket No. 576) is, therefore, **DENIED WITHOUT PREJUDICE.**

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated August 8, 2016