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AND MYLAN TECHNOLOGIES INC.

UNITED STATES DISTRICT COURT

# DISTRICT OF NEVADA

TREVOR IBBOTSON, individually and as Special Administrator of the ESTATE OF JUDITH IBBOTSON, and BRIAN IBBOTSON

CASE NO: 2:10-cv-01123

**EX PARTE MOTION FOR EXTENSION OF  
TIME TO ALLOW PLAINTIFFS TO FILE A  
RESPONSE TO THE MYLAN  
DEFENDANTS' MOTION TO DISMISS**

Plaintiffs,

v.

MYLAN LABORATORIES, INC.; MYLAN TECHNOLOGIES, INC.; WATSON LABORATORIES, INC.; MYLAN, INC.; and DOES 2 through 6, inclusive,

**(SECOND REQUEST)**

## Defendants.

Pursuant to F.R.C.P. 6-1 and 6-2, Defendants Mylan Laboratories, Inc., Mylan Technologies, Inc. and Mylan, Inc. (“Mylan Defendants”) file their Unopposed Motion for a one week extension of time to allow Plaintiffs to file their response to Defendants Mylan, Inc., Improperly Named as Mylan Laboratories, Inc., and Mylan Technologies, Inc.’s Motion to Dismiss. This is the second request for an extension to file the response, the first made by Mylan Defendants.

1. On July 8, 2010, the Mylan Defendants removed this case from the District Court of Clark County, Nevada, contending that the sole non-Mylan Defendant (Watson Laboratories, Inc.) had been fraudulently joined to defeat diversity jurisdiction.

2. On July 15, the Mylan Defendants filed their Rule 12(b)(6) Motion to Dismiss, contending

1 that the Plaintiffs' Amended Complaint failed to state a claim for relief against them.

2 3. Plaintiffs' response to the motion to dismiss was due August 2, 2010. Plaintiffs filed an Ex  
3 Parte Motion for Extension of Time requesting a one-week extension of time – until August 9 – to file their  
4 response on August 2. The extension was granted.

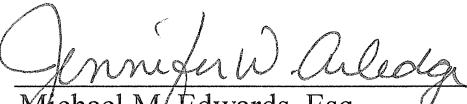
5 4. The parties seek additional time to resolve the motion without need for Court intervention  
6 and therefore seek an additional one-week extension of time – until August 16 – for Plaintiffs to file their  
7 response. Counsel for Plaintiffs are unopposed to the extension. The parties are close to reaching a resolution  
8 but require a brief extension.

9 5. This motion is made because counsel agreed at the last moment that Plaintiffs' counsel could  
10 have additional time to file their response, but due to the shortness of time, a formal stipulation has not been  
11 signed.

12 6. For these reasons, Mylan Defendants request that the Court granted this Motion and granted  
13 Plaintiffs a one-week extension, to and including August 16, 2010, within which to file their response to the  
14 Mylan Defendants Motion to Dismiss.

15 DATED this 9<sup>th</sup> day of August, 2010

16 17 WILSON, ELSER, MOSKOWITZ,  
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19 BY:   
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MYLAN PHARMACEUTICALS  
INC. AND MYLAN TECHNOLOGIES INC.

26 **IT IS SO ORDERED**

27 Dated: August 13, 2010.

28   
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP and that on this 9th day of August, 2010 I electronically filed and served a true and correct copy of the foregoing **EX PARTE MOTION FOR EXTENSION OF TIME TO ALLOW PLAINTIFFS TO FILE A RESPONSE TO THE MYLAN DEFENDANTS' MOTION TO DISMISS** to all parties on file with the CM/ECF.

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BY Julio Hernandez  
An Employee of  
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