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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

16 THE VACCINE CENTER LLC, d/b/a THE  
17 VACCINE CENTER AND TRAVEL MEDICINE  
18 CLINIC, a Nevada limited liability company,

19 Plaintiff,

20 v.

21 GLAXOSMITHKLINE LLC, a Delaware limited  
22 liability company; APEXUS, INC., a Delaware  
23 corporation; SOUTHERN NEVADA HEALTH  
24 DISTRICT; DOES I - X and ROE  
CORPORATIONS I - X, inclusive,

25 Defendants.

Case No: 2:12-cv-01849-JCM-NJK

**Order Denying: (1) Defendant  
GlaxoSmithKline LLC's Motion to  
Dismiss; (2) Defendant Apexus, Inc.'s  
Motion to Dismiss; and (3) Defendant  
Southern Nevada Health District's  
Motion to Dismiss**

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1 This matter having come on for hearing on September 12, 2013, at 10:00 a.m., in  
2 Courtroom 6A before the Honorable James C. Mahan, as to Defendant GlaxoSmithKline  
3 LLC's Motion to Dismiss (Doc. 27), Defendant Apexus, Inc.'s Motion to Dismiss (Doc.  
4 29), and Defendant Southern Nevada Health District's Motion to Dismiss (Doc. 33),  
5 with Plaintiff The Vaccine Center LLC d/b/a The Vaccine Center and Travel Medicine  
6 Clinic ("The Vaccine Center") being represented by William L. Coulthard, Esq. and  
7 Mona Kaveh, Esq. of the law firm Kemp, Jones & Coulthard, LLP, and Richard L.  
8 Kellner, Esq. of the law firm Kabateck Brown Kellner, LLP; GlaxoSmithKline LLC  
9 being represented by Stanley W. Parry, Esq., Edward Chang, Esq., Stephen J.  
10 Kastenberg, Esq., and Marcel S. Pratt, Esq. of the law firm Ballard Spahr LLP; Apexus,  
11 Inc. being represented by Gregory J. Casas, Esq. and Tyler Andrews, Esq. of the law  
12 firm Greenberg Traurig, LLP; and Southern Nevada Health District being represented by  
13 Terry A. Coffing, Esq. and Brian Blankenship, Esq. of the law firm Marquis Aurbach  
14 Coffing. The Court having reviewed the papers and pleadings on file herein and having  
15 heard the oral arguments of counsel; and with good cause appearing and there being no  
16 just reason for delay, the Court hereby finds the following:

17 **I.**

18 **Findings**

19 A complaint need only contain a "short and plain statement of the claim showing  
20 that the pleader is entitled to relief." FED. R. CIV. P. 8(a)(2); *see also Erickson v.*  
21 *Pardus*, 551 U.S. 89, 93-94 (2007). This is required in order to "give the defendant fair  
22 notice of what the . . . claim is and the grounds upon which it rests." *Bell Atlantic Corp.*  
23 *v. Twombly*, 550 U.S. 544, 555 (2007). While Rule 8 does not require detailed factual  
24 allegations, it demands more than "labels and conclusions" or "a formulaic recitation of  
25 the elements of a cause of action." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal  
26 citations omitted). "Factual allegations must be enough to raise a right to relief above  
27 the speculative level." *Twombly*, 550 U.S. at 555 (2007). Thus, to survive a motion to  
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1 dismiss, a complaint must contain sufficient factual matter to “state a claim to relief that  
2 is plausible on its face.” *Iqbal*, 556 U.S. at 678 (internal citations omitted). The  
3 Vaccine Center’s Complaint (Doc. 1) satisfies these standards, provides fair notice to  
4 Defendants, and is plausible on its face. The Court further finds that Defendants’  
5 Motions to Dismiss present questions of fact and therefore permits the parties to proceed  
6 with discovery.

7 **II.**

8 **Order**

9 ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED  
10 that Defendant GlaxoSmithKline LLC’s Motion to Dismiss (Doc. 27) is DENIED.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant  
12 Apexus, Inc.’s Motion to Dismiss (Doc. 29) is DENIED.

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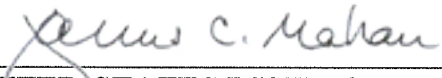
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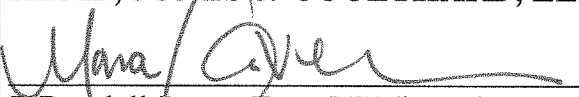
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Southern Nevada Health District's Motion to Dismiss (Doc. 33) is DENIED.

DATED this 27th day of September, 2013.

  
UNITED STATES DISTRICT JUDGE

Respectfully submitted by:

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