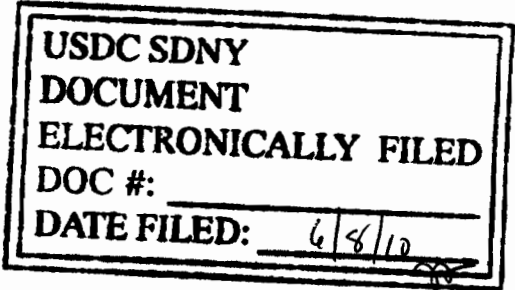


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
:
ASTRA AKTIEBOLAG, AKTIEBOLAGET
HÄSSLE, KBI-E, INC., KBI, INC.,
ASTRAZENECA LP,
:
Plaintiffs,
:
v.
:
ANDRX PHARMACEUTICALS, INC.,
:
Defendant.
-----X

99 Civ. 8926
99 Civ. 9887

Opinion & Order

IN RE OMEPRAZOLE PATENT LITIGATION
-----X


M-21-81 (BSJ)
MDL Docket No. 1291

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

The Court is in receipt of correspondence between the Parties regarding the appointment of Gale Peterson as Special Master in this action. The Parties have agreed to the appointment of Mr. Peterson as Special Master, subject to two ongoing disputes: (1) whether the Special Master will be empowered to conduct coordinated hearings with the pending Apotex damages discovery proceedings, and (2) whether the briefing periods for appeals should be 48 hour/24 hour or 7 day/7 day periods. The Court expects to resolve these disputes at a later date. In the meantime, in accordance with Federal Rule of Civil Procedure 53(b)(3), the Court directs Mr. Peterson to submit to the Court an affidavit disclosing whether there is

any ground for his disqualification under 28 U.S.C. § 455. The Court will forward that affidavit to the Parties immediately upon receipt. The Parties will then have seven (7) calendar days to advise the Court of any conflicts. Assuming there are none, shortly thereafter the Court expects to issue an order appointing Mr. Peterson as Special Master.

SO ORDERED.



BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
June 8, 2010