

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9/23/24</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 IN RE: NAVIDEA BIOPHARMACEUTICALS :
 LITIGATION :
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19-CV-1578 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Thompson Hine (“Thompson”) withdrew as counsel for Navidea and Macrophage on September 14, 2023 without providing an explanation and without stating whether the firm is asserting a retaining or charging lien, *see* Dkt. 337;

WHEREAS Mintz & Gold (“M&G”) withdrew as counsel on June 10, 2024, and Barry Kazan’s affirmation stated “M&G is not asserting a retaining or charging lien in this action at the present time,” *see* Dkt. 352;

WHEREAS Navidea and Macrophage retained Winstead as counsel, who first informed the Court on July 16, 2024 that Thompson and M&G were asserting a retaining lien on the litigation files, *see* Dkt. 365;

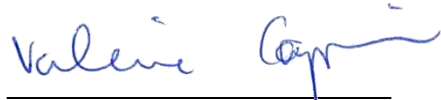
WHEREAS on September 4, 2024, Plaintiff Navidea Biopharmaceuticals, Inc., and Third-Party Defendant Macrophage Therapeutics, Inc., filed a motion to compel (“Motion”) their prior counsel, Thompson Hine LLP (“Thompson”) and Mintz & Gold LLP (“M&G”), to transfer the litigation files related to their representation in this matter, *see* Mot., Dkt. 372; and

WHEREAS Navidea and Macrophage served the Motion on Thompson and M&G on September 4, 2024, *see* Dkt. 374, and neither firm filed a response.

IT IS HEREBY ORDERED that Thompson and M&G must respond to the Motion by no later than Wednesday September 25, 2024, or the Court will presume that they are not objecting to the relief sought by the Motion.

SO ORDERED.

**Date: September 23, 2024
New York, New York**



VALERIE CAPRONI
United States District Judge