

May 31, 2024

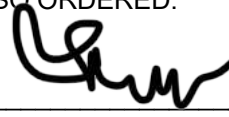
BY ELECTRONIC CASE FILING

The Hon. Philip M. Halpern, U.S.D.J.
The Hon. Charles L. Brieant Jr. Fed. Building and
Courtroom 520
300 Quarropas Street
White Plains, NY 10601

Application denied to the extent that the parties seek a temporary stay of proceedings. Defendants' time to answer or otherwise respond to the Complaint is hereby extended from June 10, 2024 to August 1, 2024.

The Clerk of Court is respectfully requested to terminate the motion sequence pending at Doc. 14.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 3, 2024

Re: ***Judt v. Alchemee LLC and Taro Pharmaceuticals U.S.A., Inc.,***
No. 7:24-cv-2718 (PMH) (S.D.N.Y.)

Dear Judge Halpern:

Pursuant to the Court's Individual Practices, the parties jointly write to request a temporary stay of proceedings pending the disposition in other jurisdictions, including the Judicial Panel on Multidistrict Litigation ("JPML"), of proceedings that may inform the efficient adjudication of this controversy. The reasons for such a stay are as follows:

1. This case is one of six putative class actions that have been filed against Defendants Alchemee LLC and Taro Pharmaceuticals U.S.A., Inc. relating to Proactiv®, which is a line of benzoyl peroxide-based acne treatment products. Each alleges that Proactiv products degrade into benzene.¹ Defendants have moved and/or intend to move to transfer each of those cases to this District pursuant to 28 U.S.C. § 1404, and in such case would seek coordination or consolidation with this matter. *See Howard*, No. 2:24-cv-1834-SB-BFM (C.D. Cal.), ECF No. 33 (motion to transfer, filed May 17, 2024); *Heermann v. Alchemee LLC*, No. 4:24-cv-00195-BCW (W.D. Mo.), ECF No. 22 (motion to transfer, filed May 30, 2024).
2. Additional cases have been filed against other parties that manufacture, sell or distribute different benzoyl peroxide-based acne treatment products. On May 22, 2024, the parties in certain such actions, and including the plaintiffs in *Howard*, filed a motion in the JPML seeking transfer of all such actions (including this one) for coordinated or consolidated proceedings pursuant to 28 U.S.C. § 1407. *See In re: Benzoyl Peroxide "BPO" Mktg. & Sales Practices Litig.*, Case MDL No. 3120 (Jud. Panel on Multidistrict Litig.), ECF No. 1.
3. The parties anticipate that the JPML will take up the above motion at its July 25, 2024 panel hearing, and respectfully submit that the interests of efficient case management

¹ *See* Compl., *passim*; *Howard v. Alchemee LLC*, No. 2:24-cv-1834-SB-BFM (C.D. Cal.), Compl., ECF No. 1; *Teron v. Alchemee LLC*, No. 5:24-cv-01918-BLF (N.D. Cal.), Compl., ECF No. 1; *Ramos v. Alchemee LLC*, No. 5:24-cv-02230-BLF (N.D. Cal.), Compl., ECF No. 1-2; *Heermann v. Alchemee LLC*, No. 4:24-cv-00195-BCW (W.D. Mo.), Compl., ECF No. 1; *O'Dea v. Alchemee LLC*, No. 1:24-cv-02755 (N.D. Ill.), Compl., ECF No. 1.

support the Court entering a brief stay pending the disposition of that motion. *See, e.g., Royal Park Invs. SA/NV v. Bank of America Corp.*, 941 F. Supp. 2d 367, 370 (S.D.N.Y. 2013) (noting that courts “routinely” stay proceedings pending JPML rulings). The parties respectfully propose that they submit a joint update to the Court within ten business days of a JPML disposition with their requested next steps.

4. This request will not unduly delay these proceedings, and requires no modification to the case schedule except insofar as suspending Defendants’ time to answer or otherwise respond, which is currently June 10, 2024. *See* Order (ECF No. 13), May 8, 2024.

The parties jointly thank the Court for its consideration of this request, and are available to answer any questions.

Respectfully,

/s/ David S. Kurtzer-Ellenbogen
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