

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Frederick Arters, et al.,

Plaintiffs,

v.

Sandoz Inc., et al.,

Defendants.

Case No. 2:10-cv-142

Judge Graham

Magistrate Judge Deavers

OPINION AND ORDER

This matter is before the court on a motion for certification for appeal and in the alternative for reconsideration and stay. Doc. 75. Defendants Sandoz, Inc. (Sandoz) and Eon Labs, Inc. (Eon) seek to appeal this Court's order denying their motion for judgment on the pleadings. Doc. 74. One of the cases on which the Court relied in its order denying judgment on the pleadings is currently under consideration by the United States Supreme Court. See Bartlett v. Mutual Pharmaceutical Co., 678 F.3d 30 (3d Cir. 2012), cert. granted, 133 S.Ct. 694 (Nov. 30, 2012) (No. 12-142). The resolution of that case may resolve the issues for which defendants seek reconsideration and appeal. Pending the issuance of an opinion in Bartlett, proceedings in this case are STAYED. The Court reserves ruling on the remainder of defendants' motion for certification for appeal and reconsideration.

IT IS SO ORDERED.

S/ James L. Graham  
James L. Graham  
UNITED STATES DISTRICT JUDGE

Date: April 17, 2013