

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KING DRUG COMPANY OF FLORENCE, INC., <u>et al.</u> ,	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	No. 2:06-cv-1797
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	

VISTA HEALTHPLAN, INC., <u>et al.</u> ,	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	No. 2:06-cv-1833
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	

APOTEX, INC.,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	No. 2:06-cv-2768
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	

ORDER

AND NOW, this 23rd day of June, 2014, upon consideration of Cephalon’s “Motion for Partial Summary Judgment Against Plaintiffs’ Claims of an Overall Conspiracy Among All Defendants” (06-1797, doc. no. 522; 06-1833, doc. no. 236; 06-2768, doc. no. 600); Generic Defendants’ “Motion for Partial Summary Judgment on Plaintiffs’ Claims of an Overall Conspiracy” (06-1797, doc. no. 523; 06-1833, doc. no. 237; 06-2768, doc. no. 604); and Direct Purchaser Class Plaintiffs’ “Motion for Partial Summary Judgment With Respect to Their Section One Claim That Cephalon Orchestrated a Horizontal Conspiracy Between and Among The Generic Defendants Not to Compete” (06-1797, doc. no. 519), and the various oppositions and replies, and for the reasons set forth in the accompanying Memorandum Opinion, it is **ORDERED** that:

- The motions filed by Cephalon and the Generic Defendants are **GRANTED**.¹
- The motion filed by the Direct Purchaser Class Plaintiffs is **DENIED**.

BY THE COURT:
/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.

¹ Specifically, summary judgment is granted in favor of all Defendants and against the Direct Purchaser Class Plaintiffs with respect to Counts V and VIII of the Second Consolidated Amended Class Action Complaint. Further, summary judgment is granted in favor of the Generic Defendants and against the Direct Purchaser Class Plaintiffs with respect to Count VI of the Second Consolidated Amended Class Action Complaint.

Summary judgment is also granted in favor of all Defendants and against the End Payor Class Plaintiffs with respect to Counts I, III, and IV of the Amended Consolidated Class Action Complaint, to the extent each is based on allegations of an overall conspiracy among all Defendants or between the Generic Defendants.

Summary judgment is granted in favor of all Defendants and against Apotex with respect to Counts X and XI of the Second Amended Complaint, to the extent each is based on allegations of an overall conspiracy among all Defendants or between the Generic Defendants.

Finally, with respect to the Individual Plaintiffs, summary judgment will be entered in favor of all Defendants and against the Individual Plaintiffs with respect to Counts V, VI, and VIII of their respective Complaints.