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

STEPHANIE FRATER, Individually and On	Behalf
Of All Others Similarly Situated,	

Plaintiffs,

v.

2:12-cv-07152-WY

HEMISPHERX BIOPHARMA, INC., WILLIAM A. CARTER, DAVID STRAYER, and WAYNE PAMBIANCHI.

Defendants.

## **ORDER**

**AND NOW**, this 23rd day of January, 2014, upon consideration of Defendants' Motion to Dismiss the Consolidated Amended Complaint (Document No. 40), plaintiffs' response and defendants' reply, **IT IS HEREBY ORDERED** that defendants' motion is **DENIED**.

IT IS FURTHER ORDERED that the parties are directed to confer pursuant to Fed. R. Civ. P. 26(f) and file with the court within twenty days of the date hereof a written report outlining their joint proposed discovery plan, or, if there is none, their individual requests concerning a discovery plan.

/s William H. Yohn Jr. William H. Yohn Jr., Judge