

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

| | | |
|------------------------------|---|--|
| NINA D. MESSINA, |) | |
| |) | Civil Action No. 09-1629 |
| Plaintiff, |) | |
| |) | Chief Judge Gary L. Lancaster |
| vs. |) | Chief Magistrate Judge Lisa P. Lenihan |
| |) | |
| AMYLIN PHARMACEUTICALS, INC. |) | |
| and ELI LILLY CO., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

The Complaint in the above captioned case was received by the Clerk of Court and was referred to United States Chief Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Chief Magistrate Judge's Report and Recommendation filed on December 30, 2011, recommended that the Motion for Summary Judgment filed by Defendants be granted as the action is time-barred under the applicable statute of limitations. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. Plaintiff's Objections and Defendants' Opposition to those Objections were timely filed with respect to the Report and Recommendation.

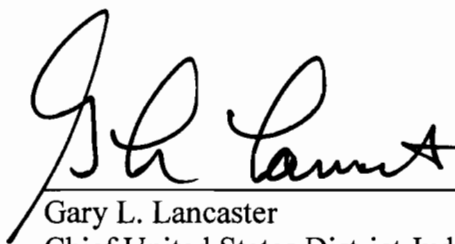
After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 21st day of February, 2012,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Defendant s is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lenihan, dated December 30, 2011, is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court is to mark this case closed.

A handwritten signature in black ink, appearing to read "G. L. Lancaster", written over a horizontal line.

Gary L. Lancaster
Chief United States District Judge

cc: Counsel of record.