

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

DANBURY PHARMA, LLC,)	
Plaintiff,)	
)	
v.)	Civ. No. 15-599
)	
EXCLUSIVE SUPPLEMENTS, INC.,)	
d/b/a Biorhythm,)	
Defendants.)	

MEMORANDUM OPINION

On March 25, 2016, plaintiff Danbury Pharma, LLC (“Danbury”) filed a motion for summary judgment. (ECF No. 20.) Under the court’s case management order, defendant Exclusive Supplements, Inc., d/b/a Biorhythm (“Exclusive Supplements”), was required to respond to Danbury’s motion for summary judgment by April 25, 2016. (ECF No. 19.) Exclusive Supplements failed to respond to Danbury’s motion for summary judgment by that date.

On May 5, 2016, the court issued an order that Exclusive Supplements show cause by May 19, 2016 why Danbury’s motion for summary judgment should not be granted in light of its failure to respond. (ECF No. 24.) In that order, the court advised Exclusive Supplements that a failure to respond to the order to show cause would be construed as its consent to Danbury’s motion for summary judgment being granted. (Id.) Exclusive Supplements failed to respond to the court’s order to show cause by May 19, 2016.

Because Exclusive Supplements failed to respond to the court's order to show cause, the court will grant Danbury's motion for summary judgment. Judgment will be granted in favor of Danbury and against Exclusive Supplements, and the clerk will mark this case closed.

An appropriate order follows.

DATED: June 14, 2016

/s/ JOY FLOWERS CONTI
Joy Flowers Conti
Chief United States District Judge