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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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PAMELA MILLER; RANDY HOWARD;  
and DONNA PATTERSON; on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

BASIC RESEARCH, LLC; DYNAKOR  
PHARMACAL, LLC; WESTERN  
HOLDINGS, LLC; DENNIS GAY;  
DANIEL B. MOWRY, Ph.D.; MITCHELL  
K. FRIEDLANDER; and DOES 1 through  
50,

Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING MOTIONS FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

Case No. 2:07-CV-871 TS

District Judge Ted Stewart

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This matter is before the Court on Plaintiffs' and Defendants' Motions for Preliminary Approval of Class Action Settlement.<sup>1</sup>

As the Court has previously indicated, the Court will enforce the signed term sheet from the September 2012 mediation conference, along with other provisions typically involved in settlements of this type—for example, provisions releasing Defendants from liability, dismissing the case, and so on. On March 22, 2013, the Court ordered the parties to file a joint motion for preliminary approval of the settlement. The parties have not done so. The instant Motions propose incomplete proposed settlement agreements. For example, Defendants' proposal lacks provisions that would clearly be needed, such as those described above. On the other hand,

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<sup>1</sup> Docket Nos. 298, 299.

Plaintiffs' proposal also lacks details needed to move this suit forward, such as a proposed notice.

Based on the foregoing, it is hereby

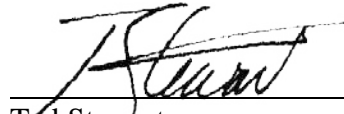
ORDERED that Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (Docket No. 298) is DENIED. It is further

ORDERED that Defendants' Motion for Preliminary Approval of Class Action Settlement (Docket No. 299) is DENIED.

The parties are directed to file a joint motion for preliminary approval of the settlement on or before January 5, 2015.

DATED this 23rd day of December, 2014.

BY THE COURT:



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Ted Stewart  
United States District Judge