

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

AMERICAN SALES COMPANY, LLC,
on behalf of itself and all others similarly situated,

Plaintiff,

v.

Civil Action No. 2:14cv361

PFIZER, INC., *et al.*,

Defendants.

ORDER

This matter comes before the Court following the filing of Plaintiffs' Motion for Class Certification (ECF No. 191) and corresponding Memorandum in Support filed on April 5, 2017. Pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), this Court designated United States Magistrate Judge Douglas E. Miller to submit to the undersigned United States District Judge proposed findings of fact, if applicable, and a recommendation for the disposition of this Motion. *See* ECF No. 225.

The parties were advised that any party could serve and file written objections to such proposed findings and recommendations as provided by 28 U.S.C. § 636(b), Federal Rule of Civil Procedure 72(b), and the Local Rules of this Court, within fourteen days after being served with a copy of the Magistrate Judge's report. The Magistrate Judge filed a Report and Recommendation ("R&R") regarding this motion on July 28, 2017. ECF No. 394.

The R&R concluded that Plaintiffs' Motion to Certify Class should be GRANTED IN PART, and that this Court should certify a class of thirty-two members comprised of those direct purchasers of Celebrex that purchased generic and/or brand-name versions of the drug during the

class period as specified in the Report. The Magistrate Judge further recommended that the ten proposed members that purchased only generic forms of the drug, and the two proposed members that purchased brand-name Celebrex only after generic entry, should be excluded from the class.

The time for filing written objections has passed, and no party has filed objections. As indicated in the R&R, “failure to file timely objections to the findings and recommendations set forth [in the R&R] will result in waiver of right to appeal” from a judgment or rulings from this Court based on such findings and recommendations. *Id.* at 36. This Court has reviewed the sound R&R (ECF No. 394) and hereby ADOPTS and APPROVES in full the findings and recommendations set forth therein. Accordingly, it is hereby ORDERED that Plaintiffs’ Motion to Certify Class (ECF No. 191) is GRANTED IN PART as follows: this Court CERTIFIES a class of thirty-two members comprised of those direct purchasers of Celebrex that purchased generic and/or brand-name versions of the drug during the class period as specified in the Report. The ten proposed members that purchased only generic forms of the drug, and the two proposed members that purchased brand-name Celebrex only after generic entry, are EXCLUDED from the class. The Clerk is **DIRECTED** to send a copy of this Order to all counsel of record and to Magistrate Judge Douglas E. Miller.

IT IS SO ORDERED.



/s/ Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia
Aug 24th, 2017