

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

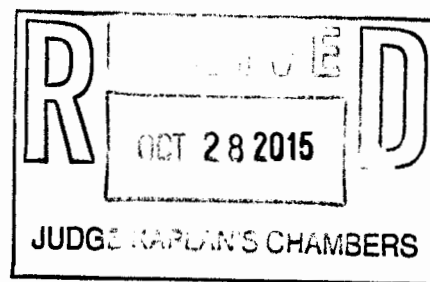
PACIRA PHARMACEUTICALS, INC. et al.,

Plaintiffs,

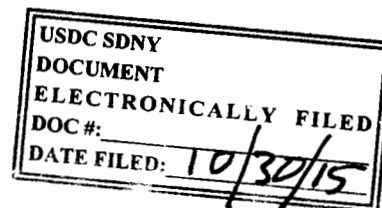
vs.

UNITED STATES FOOD & DRUG
ADMINISTRATION et al.,

Defendants.



No. 15 Civ. 7055 (LAK)



~~PROPOSED~~ REVISED SCHEDULING ORDER

WHEREAS, Plaintiffs filed suit on September 8, 2015, asserting claims against the United States Food & Drug Administration ("FDA") and others (collectively, the "Government") under the Administrative Procedure Act, First Amendment, and Fifth Amendment; and

WHEREAS, Plaintiffs filed a motion for a preliminary injunction on September 9, 2015; and

WHEREAS, on September 18, 2015, the Court extended the Government's deadline to oppose Plaintiffs' motion for a preliminary injunction from September 23, 2015, until October 26, 2015, *see* Dkt. #28; and

WHEREAS, on October 22, 2015, the Court extended the Government's deadline to oppose Plaintiffs' motion for a preliminary injunction from October 26, 2015, until November 16, 2015, and the Government's deadline to respond to Plaintiffs' complaint from November 12, 2015, until November 16, 2015, *see* Dkt. #39; and

WHEREAS, the parties advised the Court that "finalizing a settlement may require them to subsequently request a further extension of time," and that the parties would "endeavor before November 16, 2015, to . . . determine whether settlement is impossible," *see* Dkt. #39; and

WHEREAS, the parties conferred in good faith on October 23, 2015, and October 26, 2015, and are hopeful that a final settlement can be reached in this matter; and

WHEREAS, the settlement of this matter will require additional conferences that, due to the need for multiple officials' involvement, will not be completed before November 16, 2015; the Government's current deadline for filing responsive papers; and

WHEREAS, the parties wish to continue their efforts to reach a consensual resolution, and believe that those efforts will be assisted by deferring formal litigation, including the filing of responses to Plaintiffs' complaint and motion for a preliminary injunction;

IT IS HEREBY STIPULATED, AGREED AND ORDERED that:

1. the Government's time to respond to Plaintiffs' complaint is hereby extended until December 24, 2015.
2. the Government's time to oppose Plaintiffs' motion for a preliminary injunction is hereby extended until December 24, 2015.
3. Plaintiffs' time to file any reply papers in support of their motion for a preliminary injunction is hereby extended to January 14, 2016.

Dated: New York, NY
October __, 2015

For the Plaintiffs:

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PREET BHARARA

United States Attorney for the

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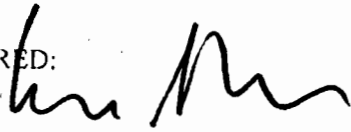
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SO ORDERED:



HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE

enc

10/30/15