IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Wiley Y. Daniel

Civil Action No. 04-cv-02501-WYD-CBS

METABOLITE LABORATORIES, INC., a Colorado corporation,
BRECKENRIDGE PHARMACEUTICAL, INC.;

Plaintiff,

v.

AMERISOURCEBERGEN CORPORATION, a Delaware corporation;
McKESSON CORP., a Delaware corporation,

Defendants.

(consolidated with Civil Action 05-cv-01083-WYD-BNB)

BRECKENRIDGE PHARMACEUTICAL, INC.,

Plaintiff,

v.

METABOLITE LABORATORIES, INC.,

Defendant.

and

METABOLITE LABORATORIES, INC.,

Counterclaimant,

v.

BRECKENRIDGE PHARMACEUTICAL, INC.;
FLORIDA BRECKENRIDGE, INC.,

Counterclaim Defendant

ORDER

By Order filed June 19, 2006, these consolidated cases were administratively closed. In that same Order, all pending motions in Civil Action No. 04-cv-02501 were denied as moot or denied without prejudice. This Order clarifies that all pending motions in Civil Action No. 05-cv-01083 are also denied without prejudice. These motions can be refiled by the parties if the case is reopened.

Accordingly, it is

ORDERED that all pending motions in 05-cv-01083 (docket # 26, 104, 109, 114, 122, and 130) are **DENIED WITHOUT PREJUDICE**.

Dated: June 20, 2006

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
U. S. District Judge