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 OF DISMISSAL

By Order filed June 19, 2006, these consolidated cases were administratively closed.

The parties have now filed a Motion to Dismiss and Close Case, seeking to dismiss the consolidated cases. The Court, having reviewed the Motion to Dismiss and Close Case and being fully advised in the premises,

ORDERS that the Motion to Dismiss and Close Case is **GRANTED**. In accordance therewith, it is

ORDERED that both of these consolidated cases shall be opened from administrative closure and then **DISMISSED**, with each party to bear its own fees and costs.

Dated: September 17, 2007

BY THE COURT:

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