IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VIRBAC CORPORATION, Plaintiff, v. CHANELLE PHARMACEUTICALS MANUFACTURING LTD., *et al.*, Defendants.	)	Case No. 1:05CV01128 (RMU) **STIPULATED ORDER**

This matter came before the Court on the Stipulated Motion of Plaintiff Virbac Corporation ("Virbac"), defendant Chanelle Pharmaceuticals Manufacturing Limited ("Chanelle") and defendant The Hartz Mountain Corporation ("Hartz"). Upon agreement of the parties, it is hereby **ORDERED** as follows:

1. Count I (Violation of Section 43(a)(1)(A) of the Lanham Act), Count II (Violation of Section 43(a)(1)(B) of the Lanham Act), and Count III (Violation of Section 2 of the Sherman Act) of the First Amended Complaint are dismissed with prejudice, with each party to bear its own costs with respect to such dismissal.

2. The dismissal of the claims set forth in paragraph 1 does not deprive this Court of subject matter jurisdiction over this action, as complete diversity of citizenship exists among Virbac, Chanelle and Hartz pursuant to 28 U.S.C. § 1332(a)(3).

3. Pursuant to 28 U.S.C. § 1404(a), this action is transferred to the United States District Court for the District of New Jersey, where the parties intend to seek to consolidate it with an action styled *Hartz Mountain Corp. v. Chanelle Pharm. Mfg. Ltd.*, Civ. Act. No. 05-2488 (WJM) (RJH), which involves the same parties and is based upon the same set of operative facts.

4. Virbac shall serve and file, in the United States District Court for the District of New Jersey, a Second Amended Complaint on Chanelle and Hartz by no later than December 9, 2005. Any subsequent amendments to the Complaint shall require leave of Court.

ENTERED this _____ day of November, 2005.

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RICARDO M. URBINA
United States District Judge

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