YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE
SHELDON N. SANDLER
RICHARD A. LEVINE
RICHARD A. ZAPPA
FREDERICK W. IOBST
RICHARD H. MORSE
DAVID C. MCBRIDE
JOSEPH M. NICHOLSON
CRAIG A. KARSNITZ
BARRY M. WILLOUGHBY
JOSY W. INGERSOLL
ANTHONY G. FLYNN
JEROME K. GROSSMAN
EUGENE A. DIPRINZIO
JAMES L. PATTON, JR.
ROBERT L. THOMAS
WILLIAM D. JOHNSTON
TIMOTHY J. SNYDER
BRUCE L. SILVERSTEIN
WILLIAM W. BOWSER
LARRY J. TARABICOS
RICHARD A. DILIBERTO, JR.
MELANIE K. SHARP
CASSANDRA F. ROBERTS
RICHARD J.A. POPPER
TERESA A. CHEEK
NEILLI MULLEN WALSH

JANET Z. CHARLTON
ROBERT S. BRADY
JOEL A. WAITE
BRENT C. SHAFFER
DANIEL P. JOHNSON
CRAIG D. GREAR
TIMOTHY JAY HOUSEAL
MARTIN S. LESSNER
PAULINE K. MORGAN
C. BARR FLINN
NATALIE WOLF
LISA B. GOODMAN
JOHN W. SHAW
JAMES P. HUGHES, JR.
EDWIN J. HARRON
MICHAEL R. NESTOR
MAUREEN D. LUKE
ROLIN P. BISSELL
SCOTT A. HOLT
JOHN T. DORSEY
M. BLAKE CLEARY
CHRISTIAN DOUGLAS WRIGHT
DANIELLE GIBBS
JOHN J. PASCHETTO
NORMAN M. POWELL
ELENA C. NORMAN

THE BRANDYWINE BUILDING
1000 WEST STREET, 17TH FLOOR
WILMINGTON, DELAWARE 19801

P.O. BOX 391
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600
(800) 253-2234 (DE ONLY)
FAX: (302) 571-1253

110 WEST PINE STREET
P.O. BOX 594
GEORGETOWN, DELAWARE 19947
(302) 856-3571
(800) 255-2234 (DE ONLY)
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: 302.571.5029
DIRECT FAX: 302.576.3402
enorman@ycst.com

JOSEPH M. BARRY
SEAN M. BEACH
SANJAY BHATNAGAR
DONALD J. BOWMAN, JR.
MICHELE SHERRETTA BUDICAK
JEFFREY T. CASTELLANO
KARA HAMMOND COYLE
KRISTEN SALVATORE DEPALMA
MARGARET M. DIBIANCA
MARY F. DUGAN
ERIN EDWARDS
KENNETH J. ENOS
IAN S. FREDERICKS
JAMES J. GALLAGHER
SEAN T. GREECHER
STEPHANIE L. HANSEN
DAWN M. JONES
KAREN E. KELLER
JENNIFER M. KINKUS
EDWARD J. KOSMOWSKI
JOHN C. KUFFEL
TIMOTHY E. LENGKEEK

SPECIAL COUNSEL
JOHN D. MCLAUGHLIN, JR.
KAREN L. PASCALE
PATRICIA A. WIDDOSS

ANDREW A. LUNDGREN
MATTHEW B. LUNN
ADRIA B. MARTINELLI
KATHALEEN MCCORMICK
MICHAEL W. MCDERMOTT
TAMMY L. MERCER
MARIBETH L. MINELLA
EDMON L. MORTON
D. FON MUTTAMARA-WALKER
JENNIFER R. NOEL
ADAM W. POFF
SETH J. REIDENBERG
SARA BETH A. REYBURN
CHERYL A. SANTANIELLO
(NJ & PA ONLY)
MONTÉ T. SQUIRE
MICHAEL P. STAFFORD
CHAD S.C. STOVER
JOHN E. TRACEY
TRAVIS N. TURNER
MARGARET B. WHITEMAN
SHARON M. ZIEG

SENIOR COUNSEL
CURTIS J. CROWTHER

OF COUNSEL
BRUCE M. STARGATT
STUART B. YOUNG
EDWARD B. MAXWELL, 2ND

September 14, 2007

BY CM/ECF AND HAND DELIVERY

The Honorable Gregory M. Sleet
United States District Court
844 King Street
Wilmington, Delaware 19801

Re: *Elan Pharma Int'l Ltd. v. Abraxis BioScience, Inc.*
C.A. No. 06-438-GMS

Dear Chief Judge Sleet:

We write on behalf of Defendant Abraxis BioScience, Inc. in the above-captioned action, in response to the letter submitted to Your Honor yesterday by counsel for Plaintiff Elan Pharma International, Ltd. In addition to being a blatant violation of Your Honor's own rules and orders, that letter contained several misstatements. While we do not understand why Elan did not address its concerns with Magistrate Stark rather than Your Honor, we are responding briefly herein rather than leaving any misimpression with the Court.

Abraxis's discovery motions were entirely proper. We were told by the Magistrate's Chambers to file them pursuant to the Local Rules, which is what we did. We told Elan that was what we were doing, and that Chambers had advised us to do it. Moreover, Elan misrepresents Abraxis's actions in Elan's argumentative recitation of the motions to compel. We will not burden Your Honor with further argument on these issues but instead will address them on the merits with Magistrate Judge Stark as Your Honor has ordered.

Abraxis does in fact believe that Elan's motions to compel are untimely because they were filed after the discovery cut-off. However, Abraxis has never taken the position, as stated by Elan, that Magistrate Judge Stark cannot order specific discovery sought by timely-

filed motions to compel, that would take place after the fact discovery cut-off. Rather, it was (and is) Abraxis's position that Magistrate Judge Stark should not amend the Court's Scheduling Order by making wholesale changes to the fact discovery deadlines. Specifically, Abraxis was responding to communications from Elan suggesting that it would ask the Magistrate Judge for a several-month extension of the fact discovery cut-off, even though Your Honor had already refused to grant that specific request.

We regret that Elan has burdened Your Honor with yet another request to be exempted from the rules that apply to all other litigants.

Respectfully submitted,

(#4780)

Elena C. Norman (No. 4780)

ECN:smf

cc: The Honorable Leonard P. Stark (by hand delivery)
Clerk of Court (by CM/ECF)
John G. Day, Esq. (by CM/ECF and hand delivery)
Steven J. Balick, Esq. (by CM/ECF and hand delivery)
Tiffany Geyer Lydon, Esq. (by CM/ECF and hand delivery)
Stephen Scheve, Esq. (by electronic mail)
Paul F. Fehlner, Esq. (by electronic mail)
William J. Sipio, Esq. (by electronic mail)
Emily A. Evans, Esq. (by electronic mail)
Diana B. Kruze, Esq. (by electronic mail)