IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED, Plaintiff, v. ABRAXIS BIOSCIENCE, INC., Defendant.	§ § § § § § § § § § § §	C.A. No. 06-438-GMS

PLAINTIFF ELAN PHARMA INTERNATIONAL LIMITED'S CONDITIONAL MOTION FOR RESCISSION OF AN ADVERSE INFERENCE

In the event of any new trial in this matter, Plaintiff Elan Pharma International Limited ("Elan") respectfully moves for reconsideration of the adverse inference imposed upon Elan for its assertion of privilege.

The grounds for this motion are set forth in the accompanying Opening Brief, and a proposed Order setting forth the relief requested by Elan is attached.

ASHBY & GEDDES

/s/ John G. Day

Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Plaintiff
Elan Pharma International Limited

Of Counsel:

Stephen E. Scheve
Linda M. Glover
Robert Riddle
BAKER BOTTS LLP
One Shell Plaza
910 Louisiana Street
Houston, TX 77042-4995
(713) 229-1659

Paul F. Fehlner
Jeffrey D. Sullivan
Lisa A. Chiarini
BAKER BOTTS LLP
30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2527

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ORDER GRANTING
RESCISSION OF AN ADVERSE INFERENCE

The Court, having considered Plaintiff Elan Pharma International Limited's ("Elan") Conditional Motion For Rescission Of An Adverse Inference, and defendant's response thereto;

It is hereby ORDERED that, should a new trial be held in this matter, the adverse inference imposed against Elan for the assertion of privilege is revoked.

_____
Chief Judge

Dated:_____