UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 98-CIV-7164-JORDAN

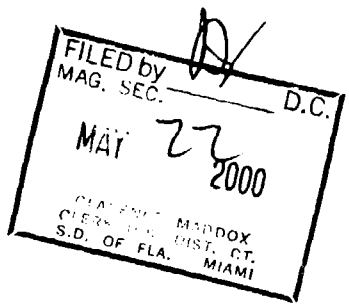
ELAN CORPORATION,

Plaintiff,

vs.

ANDRX PHARMACEUTICALS, INC.,

Defendant.
_____/



ORDER

THIS CAUSE came before the Court on the following pretrial discovery motions filed by the parties to the above-captioned case. Upon review of these motions, all responses and replies thereto, the court file and applicable law, it is hereby

ORDERED AND ADJUDGED:

1. Elan's Request to Withdraw its Motion to Compel Andrx to Produce Documents and Testimony Pertaining to Andrx's Willful Infringement of the Patent-In-Suit (D.E.74) filed on March 15, 2000 is GRANTED.

2. Defendant Andrx's Motion to Compel Production of Documents and Answers to Deposition Questions (D.E. 90) filed on April 20, 2000 is GRANTED to the extent that Andrex shall be allowed to take Dr. Braun's deposition for the limited purpose of determining what data exists and who was informed of this information. Following this deposition, Andrx shall have leave to refile this motion if appropriate.

3. Elan's Motion Seeking Leave of Court to File Its Surreply (D.E. 102) filed on May 12, 2000 is GRANTED.

DONE AND ORDERED in Chambers at Miami, Florida this 22nd day of May, 2000.

Ted E. Bandstra
United States Magistrate Judge

Copies furnished to:
Honorable Adalberto Jordan
Counsel of record