UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 98-CIV-7164-JORDAN

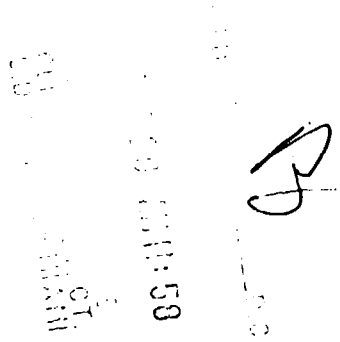
ELAN CORPORATION,

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. that Elan's Motion to Compel Andrx to Comply with Elan's Inspection Request (D.E. 39) filed on January 14, 2000 is GRANTED IN PART and DENIED IN PART as follows:

a. GRANTED with respect to Categories Nos. 1 and 2 of Elan's Second Request to Inspect, defendant having withdrawn its objection to these categories.

b. GRANTED with respect to Category No. 3, the Court overruling defendant's objections and finding that the storage facilities are relevant to this litigation in that they contain information concerning the alleged infringing product.

c. DENIED with respect to Category No. 4 to the extent Elan requests inspection of defendant's computer database. However, defendant shall retrieve and produce the requested documents from its database as well as all other documents responsive to this

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request.

d. GRANTED with respect to Category No. 5, the Court overruling defendant's objections thereto. Accordingly, defendant shall comply with Elan's Inspection Request to the extent provided above within ten (10) days of the date of this Order or as otherwise agreed to by the parties. Elan's request for costs and fees associated with this motion is denied.

2. that Defendant's Second Motion to Compel Plaintiff to Respond to Discovery Requests (D.E. 42) filed on January 19, 2000 is DENIED, the Court finding that Elan has complied with the subject Rule 30(b)(6) notice by producing all documents pertaining to the Kelly article and by providing a witness most knowledgeable about the article.

3. that Elan's Motion to Compel Andrx to Produce Documents and Testimony Pertaining to Andrx's Willful Infringement of the Patent-In-Suit (D.E. 62) filed on February 18, 2000 is DENIED as MOOT, Elan having withdrawn this motion on March 15, 2000.

4. that Elan's Motion 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) is GRANTED.

DONE AND ORDERED in Chambers at Miami, Florida this 17th day of March, 2000.

Ted E. Bandstra
United States Magistrate Judge

Copies furnished to:
Honorable Adalberto Jordan
Counsel of record

INTERNAL USE ONLY: Proceedings include all events. TEB
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MAGDSC TEB

3/15/00	75	ORDER denying as moot [46-1] motion to extend time of discovery date contained in the Court's order amending schedule; denying as moot [44-1] motion to extend time to file memorandum in opposition to defendant Andrx's motion to compel; granting [64-1] motion for Pretrial Conference pretrial conference for 4/18/00 before Judge Adalberto Jordan granting [67-1] motion for Paul W. Browning to appear pro hac vice (Signed by Judge Adalberto Jordan on 3/15/00) CCAP [EOD Date: 3/16/00] (gz) [Entry date 03/16/00]
3/15/00	76	SEALED DOCUMENT placed in vault (nt) [Entry date 03/17/00]
3/20/00	77	SEALED DOCUMENT placed in vault (nt) [Entry date 03/23/00]
4/12/00	78	APPLICATION by Elan Corporation for Liam O'Grady to appear pro hac vice (tdj) [Entry date 04/13/00]
4/12/00	--	Filing Fee Paid; FILING FEE $ 75.00 RECEIPT # 820202 (tdj) [Entry date 04/13/00]
4/14/00	79	JOINT PRETRIAL STIPULATION by Elan Corporation, Andrx Pharmaceutical, Andrx Pharmaceutical, Elan Corporation (sp) [Entry date 05/25/00]
4/16/00	85	SEALED DOCUMENT placed in vault (nt) [Entry date 04/26/00]
4/18/00	80	ORDER granting [78-1] motion for Liam O'Grady to appear pro hac vice (Signed by Judge Adalberto Jordan on 4/18/00) CCAP [EOD Date: 4/19/00] (tdj) [Entry date 04/19/00]
4/18/00	81	SEALED DOCUMENT placed in vault (nt) [Entry date 04/26/00]
4/18/00	82	SEALED DOCUMENT placed in vault (nt) [Entry date 04/26/00]
4/18/00	83	SEALED DOCUMENT placed in vault (nt) [Entry date 04/26/00]
4/18/00	84	SEALED DOCUMENT placed in vault (nt) [Entry date 04/26/00]
4/18/00	86	SEALED DOCUMENT placed in vault (nt) [Entry date 04/26/00]
4/18/00	87	SEALED DOCUMENT placed in vault (nt) [Entry date 04/26/00]
4/19/00	88	EMERGENCY MOTION by Elan Corporation to seal motions in limine (hd) [Entry date 04/20/00]
4/19/00	89	MOTION by Elan Corporation to allow multimedia presentation at trial (hd) [Entry date 04/20/00]
4/20/00	90	EMERGENCY MOTION by Andrx Pharmaceutical to compel production of documents and answers to deposition questions (hd) [Entry date 04/21/00]

Attached to D.E. # 77