

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ELI LILLY AND COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 4:26-cv-06562
	)	JURY TRIAL DEMANDED
LONE STAR PEPTIDE CO. LLC,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF’S MOTION TO STRIKE OR EXCUSE COMPLIANCE
WITH DISCOVERY PLANNING DEADLINE**

Plaintiff Eli Lilly and Company (“Lilly”), by and through its undersigned counsel, respectfully moves to strike or, in the alternative, to excuse Lilly’s compliance with, the deadline set forth in the Court’s August 13, 2026 Order directing the parties to confer and file a joint discovery and case management plan by September 11, 2026. *See* Order for Conference and Disclosure of Interested Parties, ECF No. 5 (“Order”) at 1. Defendant Lone Star Peptide Co. LLC (“Lone Star”) has failed to appear or otherwise respond to Plaintiff’s Complaint within the time prescribed by Federal Rule of Civil Procedure 12(a)(1). Accordingly Lilly has been unable to confer with Lone Star as contemplated by the Court’s Order, and Lilly intends to move promptly for entry of default and default judgment against Lone Star. In support of this Motion, Lilly states as follows:

1. On August 12, 2026, Lilly filed its Complaint against Lone Star. ECF No. 1.
2. On August 12, 2026, Lilly filed a Request for Issuance of Summons against Lone Star. ECF No. 2.
3. On August 13, 2026, the Court issued its Order instructing the parties to appear for an initial pretrial and scheduling conference on September 21, 2026. *See* Order at 1. The Court

further stated: “After the parties confer as required by Fed. R. Civ. P. 26(f), counsel shall prepare and file not less than 10 days before the conference a joint discovery/case management plan containing the information required on the attached form.” *Id.* Accordingly, the deadline for the parties to confer and file a joint discovery/case management plan is September 11, 2026. *See id.*

4. On August 17, 2026, the Court issued the summons on Lone Star. ECF No. 6.

5. On August 18, 2026, Lone Star was served with the Summons and Complaint, and on August 20, 2026, Lilly filed its Proof of Service with the Court. ECF No. 7.

6. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Lone Star’s deadline to respond to Lilly’s Complaint was September 8, 2026.

7. As of the date of this Motion, Lone Star has failed to answer or respond to Lilly’s Complaint.

8. Because Lone Star has not appeared or otherwise responded to Lilly’s Complaint, Lilly has been unable to confer with Lone Star in accordance with the Court’s Order. Lilly intends to move promptly for entry of default and default judgment against Lone Star.

9. In light of Lone Star’s failure to appear or respond to the Complaint, Lilly respectfully requests that the Court strike the September 11, 2026 deadline for the parties to file a joint discovery/case management plan, or in the alternative, excuse Lilly from compliance with the deadline pending resolution of Lilly’s forthcoming motion for default judgment, and grant any other relief this Court deems just and proper.

Dated: September 11, 2026

Respectfully submitted,

/s/ James John Lomeo

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Counsel for Plaintiff Eli Lilly and Company

Local Rule 7.1(D) Certification

Lilly has been unable to confer with Lone Star as contemplated by Local Rule 7.1(D) regarding the relief sought in this Motion because Lone Star has not appeared in this action.

Certificate of Service

The undersigned hereby certifies that on this 11th day of September 2026, a true and correct copy of the above was electronically filed with the Clerk of the Court using the CM/ECF system, which sends notifications of such filing to all counsel of record who have consented to accept service by electronic means. Because Lone Star has not yet appeared in this case, the undersigned also hereby certifies that on this 11th day of September 2026, a true and correct copy of the above was mailed to Defendant Lone Star Peptide Co. LLC's registered agent at the below address:

Lone Star Peptide Co. LLC
c/o Adam Landa
11023 Robin Hood Court
Houston, Texas 77043

/s/ James John Lomeo
James John Lomeo

