

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-5094**

**September Term 2009**

**1:10-cv-00517-RMC**

**Filed On: April 6, 2010**

Apotex, Inc.,

Appellant

v.

Kathleen Sebelius, in her official capacity as  
Secretary of Health and Human Services, et  
al.,

Appellees

**BEFORE:** Henderson, Griffith, Circuit Judges, and Williams, Senior Circuit  
Judge

**ORDER**

Upon consideration of the motion for panel assignment and the response thereto; the combined emergency motion for a stay and for expedited consideration, and the responses thereto; and the motion for summary reversal and the response thereto, it is

**ORDERED** that the motion for panel assignment be granted. It is

**FURTHER ORDERED** that the motion for a stay be denied. Appellant has not satisfied the stringent standards required for a stay pending court review. See Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); D.C. Circuit Handbook of Practice and Internal Procedures 32-33 (2009). It is

**FURTHER ORDERED** that the motion for summary reversal be denied. The merits of the parties' positions are not so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). It is

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**FURTHER ORDERED** that the motion for expedited consideration be dismissed as moot.

Because the court has determined that summary disposition is not in order, the Clerk is instructed to calendar this case for presentation to a merits panel.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

**By:**  
/s/ Tara Glover  
Deputy Clerk