

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

Hospira, Inc.

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Appellant,

\*

v.

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Sylvia Mathews Burwell, et al.

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Case No. 14-1920

Appellees.

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**MOTION TO EXPEDITE APPEAL**

Pursuant to Local Rule 12(c), Appellant Hospira, Inc. (“Hospira”) respectfully moves to expedite proceedings in the above appeal. Hospira’s complaint challenges the August 18, 2014 decision of Appellee U.S. Food and Drug Administration (“FDA”) in Docket No. FDA-2014-N-0087 which led to the immediate approval of generic versions of Hospira’s brand-name drug Precedex®. The U.S. District Court for the District of Maryland (Hazel, J.) granted Hospira’s motion temporary restraining order on August 19, following an emergency hearing. (ECF Nos. 19-20). A week later, on August 26, the district court denied intervenor-defendant Mylan Institutional LLC’s motion to reconsider the temporary restraining order in total, while amending the order in part. (ECF No. 75). The district court consolidated the preliminary injunction motion with a final decision on the merits, and issued a memorandum opinion and final order on September 5. (ECF Nos. 122-123). As the procedural history of this case demonstrates, there are substantial interests at stake in need of expeditious resolution.

The appeal can be resolved on the existing record, the record before the agency, which was filed with the district court. Hospira respectfully requests that the Court schedule oral argument on this matter given the substantial matters and interests at stake.

Hospira submits the following proposed schedule:

September 17: Hospira's Opening Brief and Joint Appendix due  
October 17: Appellees' Response Briefs due  
October 22: Hospira's Reply Brief due  
October 28-30: Oral Argument

This schedule allows Appellees the normal thirty days to file opposition briefs. Given that the district court ruled in this matter after normal business hours on Friday, September 5, 2014, and this motion is being filed on Saturday, September 6 in conjunction with Hospira's motion for an injunction pending appeal, counsel for Hospira has not had an opportunity to confer with counsel for the other parties with respect to this motion or its proposed schedule.

Respectfully submitted,

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*Attorneys for Appellant Hospira, Inc.*

Dated: September 6, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of September 2014, a copy of the foregoing Corporate Disclosure Statement was delivered, via electronic filing, to George Brian Busey, [gbusey@mofo.com](mailto:gbusey@mofo.com); Steven M. Klepper, [sklepper@kg-law.com](mailto:sklepper@kg-law.com); Michael Randolph Shebelskie, [mshebelskie@hunton.com](mailto:mshebelskie@hunton.com); and [julwick@kg-law.com](mailto:julwick@kg-law.com). I further certify that the following were served by electronic mail:

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/s/

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