

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**
Southern Division

HOSPIRA, INC., ET AL.

Plaintiffs,

v.

SYLVIA MATHEWS BURWELL, ET AL.

Defendants.

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Case No.: GJH-14-02662

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ORDER

Defendants’ Motion for Reconsideration is GRANTED IN PART AND DENIED IN PART. Paragraphs 3 and 4 of the August 19, 2014 Temporary Restraining Order are VACATED. Paragraphs 1 and 2 are AMENDED as set out below. For the reasons stated in the Court’s August 19, 2014 Memorandum Opinion and supplemented on the record at today’s hearing, it is now hereby ORDERED that:

1. The August 18, 2014 decision of Defendant Food and Drug Administration (“FDA”), in Docket No. FDA-2014-N-0087 is hereby STAYED;
2. Any additional action which FDA is proposing to take in reliance upon its decision in Docket No. FDA-2014-N-0087 is similarly STAYED; specifically, the FDA shall not issue any further approvals of an abbreviated new drug application allowing the marketing and sale of a generic version of Precedex®.

IT IS HEREBY FURTHER ORDERED that Mylan Institutional LLC and Par Sterile Products, LLC shall cease distribution of its generic version of Precedex® during the pendency of this order.

By agreement of the parties, IT IS FURTHER ORDERED that the security bond is waived. Notwithstanding this waiver, should any defendant believe, after further consideration of this Order, that a security bond is warranted under Rule 65(c), they shall submit a motion within two days of this Order setting out the reasons why Plaintiffs should be required to post a bond and the appropriate amount. Plaintiffs would then be given two days to respond.

This Order shall continue in full force and effect until September 2, 2014, unless extended.

Dated: August 26, 2014

/S/
George Jarrod Hazel
United States District Judge