

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

BAXTER HEALTHCARE CORPORATION, )  
)  
Plaintiff, )  
)  
v. ) C.A. No. 18-303-RGA  
)  
HOSPIRA, INC. and ORION CORP., )  
)  
Defendants. )

**STIPULATION AND [PROPOSED] ORDER REGARDING BRIEFING ON  
DEFENDANTS' MOTION TO DISMISS THE ANTITRUST CLAIMS IN BAXTER'S  
FIRST AMENDED COMPLAINT**

WHEREAS, on October 12, 2018, Plaintiff Baxter Healthcare Corporation ("Plaintiff") filed an unopposed Motion for Leave to File First Amended Complaint (D.I. 54);

WHEREAS, Baxter's First Amended Complaint (the "Amended Complaint") adds seven new counts, including antitrust claims, to this action and seeks a jury trial on all issues properly triable by a jury;

WHEREAS, Defendants Hospira, Inc. and Orion Corp. (collectively "Defendants") plan to file a motion to dismiss certain of the counts in the Amended Complaint (the "Motion to Dismiss") and otherwise respond to the remaining claims in the Amended Complaint; and

WHEREAS, subject to the approval of the Court, Plaintiff and Defendants have agreed to the following schedule for Defendants' response to the Amended Complaint and for briefing on the Motion to Dismiss, which, subject to the Court's approval, includes increased page limits.

NOW THEREFORE, IT IS HEREBY STIPULATED by Plaintiff and Defendants, subject to the approval of the Court, that the following schedule and page limits with respect to briefing shall apply to Defendants' response to the Amending Complaint and briefing on the Motion to Dismiss:

1. Defendants shall have 30 days from the date the Court grants Plaintiff's unopposed Motion for Leave to File First Amended Complaint (D.I. 54) to file the Motion to Dismiss and otherwise respond to the Amended Complaint. Defendants' opening brief in support of the Motion to Dismiss shall not exceed 30 pages.
2. Plaintiff's answering brief in opposition to the Motion to Dismiss shall be filed within 30 days of the filing of the Motion to Dismiss. Plaintiff's answering brief in opposition to the motion to dismiss shall not exceed 30 pages.
3. Defendants' reply brief in support of the Motion to Dismiss shall be filed within 14 days of the filing of Plaintiff's answering brief and shall not exceed 15 pages.

IT IS FURTHER STIPULATED by Plaintiff and Defendants that during the time period between the filing of the unopposed Motion for Leave to File First Amended Complaint and the Court's granting of such motion, Plaintiff need not respond to Defendants' First Amended Counterclaim (D.I. 52), which will become moot when the Court grants Plaintiff's motion to amend.

Dated: October [ ], 2018

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By: /s/ Philip A. Rovner

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SO ORDERED this \_\_\_\_ day of October, 2018

THE HONORABLE RICHARD G. ANDREWS  
UNITED STATES DISTRICT JUDGE