

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

BCO-073

No. 24-1295

In Re: ACTAVIS HOLDCO U.S., INC., ET AL.,
Petitioners

(E.D. Pa. No. 2-16-md-02724,)
(E.D. Pa. No. 2-19-cv-02407)
(E.D. Pa. No. 2-17-cv-03768)
(E.D. Pa. No. 2-20-cv-03539)
(JPML No. 2724)

Present: SHWARTZ, CHUNG, and SMITH, Circuit Judges

1. Petition for Writ of Mandamus filed by Petitioners Actavis Elizabeth LLC, Actavis Holdco US, Actavis Pharma Inc, Amneal Pharmaceuticals Inc, Amneal Pharmaceuticals LLC, Apotex Corp, Ara Aprahamian, Ascend Laboratories LLC, Aurobindo Pharma USA Inc, Bausch Health Americas Inc, Bausch Health US LLC, Mitchell S. Blashinsky, Douglas Boothe, James Brown, Maureen Cavanaugh, Citron Pharma LLC, Dr Reddys Laboratories Inc, Fougera Pharmaceuticals Inc, Glenmark Pharmaceuticals Inc USA, James Grauso, Kevin Green, Walter Kaczmarek, Lannett Co Inc, Lupin Pharmaceuticals Inc, Rajiv Malik, Mayne Pharma Inc, Mylan Inc, Mylan Pharmaceuticals Inc, James Nesta, Perrigo New York Inc, Dave Rekenhaler, Richard Rogerson, Sandoz Inc, Teva Pharmaceuticals USA Inc, Upsher-Smith Laboratories LLC, John Wesolowski, Wockhardt USA LLC, Marc Falkin and Zydus Pharmaceuticals (USA) Inc.;
2. Request by Petitioner Upsher-Smith Laboratories LLC for Oral Argument;
3. Response by Respondent States to Petition for Writ of Mandamus.

Respectfully,
Clerk/tmm

ORDER

The foregoing Petition for a Writ of Mandamus is DENIED. Petitioners have not demonstrated that exceptional circumstances warrant the requested relief. *See Cheney v. U.S. Dist. Court for Dist. of Columbia*, 542 U.S. 367, 380-81 (2004). Our Court has

recently emphasized the “high bar” that Petitioners face under the standard for obtaining mandamus relief. *In re Abbott Laboratories*, 2024 WL 1040669, at *4 (3d Cir. Feb. 22, 2024). The request for oral argument is DENIED as moot.

By the Court,

s/ Cindy K. Chung
Circuit Judge

Dated: March 18, 2024
Tmm/cc: All Counsel of Record



A True Copy:

Patricia A. Dodszeweit

Patricia S. Dodszeweit, Clerk