

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**  
1100 East Main Street, Suite 501, Richmond, Virginia 23219

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November 11, 2020

\_\_\_\_\_  
No. 20-2184  
(2:18-md-02836-RBS-DEM)

\_\_\_\_\_  
In re: ZETIA (EZETIMIBE) ANTITRUST LITIGATION

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FWK HOLDINGS, LLC; CESAR CASTILLO, INC., individually and on behalf of  
all those similarly situated; ROCHESTER DRUG COOPERATIVE, INC., ON  
BEHALF OF ITSELF AND ALL OTHERS SIMILARLY SITUATED

Plaintiffs – Appellees

v.

MERCK & COMPANY, INCORPORATED; MERCK SHARP & DOHME  
CORPORATION; SCHERING PLOUGH CORPORATION; SCHERING  
CORPORATION; MSP SINGAPORE CO. LLC; GLENMARK  
PHARMACEUTICALS, LTD.; GLENMARK GENERICS INC., USA

Defendants - Appellants

\_\_\_\_\_  
\_\_\_\_\_  
**DIRECT PURCHASER CLASS PLAINTIFFS - APPELLEES’  
MOTION TO EXPEDITE**

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## Table of Contents

INTRODUCTION .....1

FACTUAL AND PROCEDURAL BACKGROUND .....2

ARGUMENT .....6

    a. The Parties are Well Positioned to Complete Briefing on an Expedited Basis6

    b. An Unnecessarily Lengthy Briefing Schedule Will Thwart the Benefits of  
        Multidistrict Litigation and Unfairly Delay Other Multidistrict Litigation  
        Parties Not Part of This Appeal .....7

PRAYER FOR RELIEF .....8

CONCLUSION .....9

## Table of Authorities

### Cases

<i>Am. Pipe &amp; Const. Co. v. Utah</i> , 414 U.S. 538, 547 (1974) .....	8
<i>Am. Sales Co., LLC v. Pfizer, Inc.</i> , 2017 WL 3669604 (E.D. Va. July 28, 2017), <i>report and recommendation adopted</i> , E.D. Va. No. 2:14CV361, 2017 WL 3669097 (E.D. Va. Aug. 24, 2017).....	6
<i>FWK Holdings, LLC v Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:18cv00023 .....	4
<i>In re Lamictal Direct Purchaser Antitrust Litig.</i> , 957 F.3d 184 (3d Cir. 2020) .....	7
<i>In re Modafinil Antitrust Litig.</i> , 837 F.3d 238 (3d Cir. 2016) .....	7
<i>In re Suboxone (Buprenorphine Hydrochloride &amp; Nalaxone) Antitrust Litig.</i> , 967 F.3d 264 (3d Cir. 2020) .....	6
<i>In re Zetia (Ezetimibe) Antitrust Litig.</i> , 325 F. Supp. 3d 1369, 1370 (U.S. Jud. Pan. Mult. Lit. 2018).....	4

## INTRODUCTION

Pursuant to Fourth Circuit Local Rules 12(c) and 31(b), Appellees, the Direct Purchaser Class Plaintiffs<sup>1</sup> hereby move this Court to set an expedited briefing schedule in this interlocutory appeal from the District Court's Order approving certification of the direct purchaser class (Dist. Ct. Dkt. No. 1101), and respectfully request that the Court schedule oral argument during the next argument calendar week convenient to the Court after the final reply brief has been filed.

There is good cause to expedite briefing and oral argument in this interlocutory appeal because: (1) the Defendants-Appellants<sup>2</sup> and Plaintiffs-Appellees are amply prepared to proceed without delay, having already fully briefed the same issues to the Magistrate Judge, who provided an extensive Report and Recommendation, and the District Judge, who wrote a thorough Memorandum Order responding to Defendants-Appellants' objections; and (2) the Direct Purchaser Class represents a portion of plaintiffs within a well-coordinated

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<sup>1</sup> The Direct Purchaser Class Plaintiffs are a class of direct purchasers certified by the district court (Memorandum Order (Dkt. 1101)). They are represented by class representatives FWK Holdings, LLC; Rochester Drug Co-Operative, Inc.; and Cesar Castillo, Inc. The class as certified has thirty-five members.

<sup>2</sup> Defendants-Appellants are Merck & Co., Inc., Merck Sharp & Dohme Corp., Schering-Plough Corp., Schering Corp., and MSP Singapore Co. LLC (Merck) and Glenmark Pharmaceuticals, Ltd. and Glenmark Generics Inc., USA (Glenmark).

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