

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	SACV 11-446 AG (Ex)	Date	April 12, 2012
Title	ALLERGAN, INC. v. MERZ PHARMACEUTICALS, LLC, et al.		

Present: The Honorable	ANDREW J. GUILFORD		
Dwayne Roberts	Not Present		
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	

**Proceedings: [IN CHAMBERS] ORDER DENYING DEFENDANTS' REQUEST FOR MODIFICATION OF INJUNCTION ORDER**

On April 2, 2012, Defendants Erin Sullivan, Sheri Tremmel, Amber Prumer, Jacqueline Luby, Amy R. Finn, Jeffrey S. Riordan, and Timothy Byrns (together "Individual Defendants") filed proposed modifications to the Court's March 9, 2012 Injunction Order. Defendants filed an opposition to the Individual Defendants' proposal on April 4, 2012.

The Court requires strict compliance with its instructions. At the March 13, 2012 hearing, the Court gave the following instructions:

Here's what I'd like to do. I'd like to *remain with the language of the injunction*. I would like Mr. Willoughby and Mr. Williamson to just discuss an *add-on*[:]

[t]he Court orders that concerning Paragraph 4 *as applied to Ms. Prumer*, whatever you work out, to – to solve the problem.

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Just – just – another paragraph that we would add on, *I'd like to keep the order the way it is*, but we can modify that in a way that says, as to paragraph 4, you know, it shall not apply to Ms. Prumer doing X, Y, Z . . . .

I'll make it even better. Again, I'd like to see a *separate document*, and I'm inclined to say to you two folks work it out; and if you don't work it out by Friday [March 16, 2012], give me your preferred addition Mr. Willoughby, and, Mr. Williamson, give me your preferred addition and I'll pick the one I like.

(Transcript March, 13, 2012 at 22:22-23:15 (emphasis added).)

Neither side complied with the Court's instructions.

Instead of proposing *add on* language, or simply stating that no additional language is necessary, Allergan filed a brief opposing the Individual Defendants' proposed modifications. The brief was also filed two days after the April 2, 2012 filing deadline. Because Allergan failed to comply with the Court's instructions, the Court declines to consider its opposition brief.

Instead of submitting a *separate document* that would modify the injunction *as applied to* Prumer (according to the transcript excerpt provided by the Individual Defendants), the Individual Defendants request that the Court modify the language of the Injunction Order itself. The Court's instruction that the parties "remain with the language of the injunction" was specifically intended to avoid any modification of the terms of the Injunction Order. Such modification may result in consequences that the parties and the Court neither anticipate nor intend. Because the Individual Defendants failed to comply with the Court's instructions, the Court rejects their proposed modifications.

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Initials of Preparer \_\_\_\_\_ : \_\_\_\_\_  
dr \_\_\_\_\_