

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PURDUE PHARMA L.P., et al., :
 :
 Plaintiffs, :
 :
 v. : Civil Action No. 16-87-RGA
 :
 EPIC PHARMA, LLC, :
 :
 Defendant. :

ORDER

I have considered Plaintiff's Motion for Leave to File First Amended and Supplemental Complaint etc. (D.I. 53) and the related briefing. The motion is timely. Adding a patent from the same family makes sense, and should be efficient for all concerned. Whether PuraCap is properly a Defendant seems to be based on disputed facts. It makes sense to allow the Complaint to be asserted against PuraCap, and, if discovery proves PuraCap is not a proper Defendant, its status can then be resolved. As for adding the allegations of "exceptional case," I am going to allow that, but Plaintiffs should understand that I will not allow discovery into those allegations simply because they are stated in the Complaint. If Plaintiffs become a prevailing party, that would be the appropriate time to consider whether to allow any discovery into whether this is an exceptional case.

The motion (D.I. 53) is **GRANTED**.

IT IS SO ORDERED this 27 day of July 2017.


United States District Judge