## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MYLAN PHARMACEUTICALS,

INC., et al.,

Plaintiffs, :

: Civ. No. 12-3824

: Indirect Purchaser Action

WARNER CHILCOTT PUBLIC :

LIMITED COMPANY, et al.,

:

Defendants.

## <u>DEFENDANT WARNER CHILCOTT'S MOTION TO DISMISS</u> THE IBEW INDIRECT PURCHASER CLASS ACTION COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the attached Memorandum of Law, Defendant Warner Chilcott respectfully requests that the Court dismiss with prejudice all of the claims in the Class Action Complaint filed September 21, 2012 by indirect purchaser International Brotherhood of Electrical Workers Local 38, Health and Welfare Fund.

Dated: October 31, 2012

## By: /s/ David H. Pittinsky

David H. Pittinsky
Edward D. Rogers
Evan W. Krick
BALLARD SPAHR LLP
1735 Market Street
Philadelphia, Pennsylvania 19103-7599
Telephone No.: 215-864-8500
Fax No.: 215-864-8999
pittinsky@ballardspahr.com
rogerse@ballardspahr.com
kricke@ballardspahr.com

## By: /s/ J. Mark Gidley

J. Mark Gidley (admitted PHV)
Peter J. Carney (admitted PHV)
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
Telephone No.: 202-626-3600
Fax No.: 202-639-9355
mgidley@whitecase.com
pcarney@whitecase.com

and

Jack E. Pace III (admitted PHV) WHITE & CASE LLP 1155 Avenue of the Americas New York, New York 10036-2787 Telephone No.: 212-819-8200 Fax No.: 212-354-8113 jpace@whitecase.com

Attorneys for Defendants Warner Chilcott Public Limited Company, Warner Chilcott, LLC, Warner Chilcott (US), LLC, Warner Chilcott Holdings Company III, Ltd., and Warner Chilcott Laboratories Ireland Ltd.