

NOT FOR PUBLICATION

**THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**BAUSCH HEALTH IRELAND LIMITED,
et al.,**

Plaintiffs,

v.

**PADAGIS ISRAEL
PHARMACEUTICALS LTD., et al.,**

Defendants.

Civil Action No. 22-4248 (SRC) (CLW)

**BAUSCH HEALTH IRELAND LIMITED,
et al.,**

Plaintiffs,

v.

**PADAGIS ISRAEL
PHARMACEUTICALS LTD., et al.,**

Defendants.

Civil Action No. 23-3393 (SRC) (CLW)

ORDER CONSOLIDATING CASES

CATHY L. WALDOR, U.S.M.J.

This matter comes before the Court, sua sponte, regarding the potential consolidation of these related cases. Upon the Court's review of the pleadings in these matters; and for the reasons discussed herein; and for good cause shown; and

WHEREAS Rule 42(a) of the Federal Rules of Civil Procedure provides:

If actions before the court involve a common question of law or fact,
the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a); and

WHEREAS Rule 42(a) gives the district court “broad powers to consolidate actions involving *common questions of law or fact* if, in its discretion, such consolidation would facilitate the administration of justice.” *Liberty Lincoln Mercury, Inc. v. Ford Mktg. Corp.*, 149 F.R.D. 65, 80 (D.N.J. 1993) (emphasis in original) (quoting *Waste Distillation Tech., Inc. v. Pan Am. Res., Inc.*, 775 F. Supp. 759, 761 (D. Del. 1991) (citation omitted)); *see also In re Mock*, 398 F. App'x 716, 718 (3d Cir. 2010). The purpose of consolidation is “to streamline and economize pretrial proceedings so as to avoid duplication of effort, and to prevent conflicting outcomes in cases involving similar legal and factual issues.” *In re TMI Litig.*, 193 F.3d 613, 724 (3d Cir. 1999) *amended*, 199 F.3d 158 (3d Cir. 2000); and

WHEREAS the Court finds that these matters both involve alleged patent infringement associated with Defendants’ Abbreviated New Drug Application No. 215393; and

WHEREAS the Court therefore finds that the above-captioned cases will certainly involve “common questions” of both law and fact such that consolidating these matters “would facilitate the administration of justice,” *Liberty Lincoln Mercury, Inc.*, 149 F.R.D. at 80 (D.N.J. 1993) (internal citation omitted), and serve to promote judicial economy;

IT IS on this 15th day of September, 2023,

ORDERED that Civil Action No. 22-4248 and Civil Action No. 23-3393 shall be consolidated for all purposes, with the older matter, Civil Action No. 22-4248, serving as the lead case. Going forward, the parties shall file all documents in Civil Action No. 22-4248; and it is further

ORDERED that all future filings shall include the following caption:

**BAUSCH HEALTH IRELAND LIMITED,
et al.,**

Plaintiffs,

v.

**PADAGIS ISRAEL
PHARMACEUTICALS LTD., et al.,**

Defendants.

**Civil Action No. 22-4248 (SRC) (CLW)
(CONSOLIDATED)**

s/ Cathy L. Waldor
Hon. Cathy L. Waldor, U.S.M.J.

Cc: Hon. Stanley R. Chesler, U.S.D.J. (via CM/ECF)