UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gary Selinsky, et al. and related cases

Plaintiffs,

v.

Boehringer Ingelheim Pharmaceuticals, Inc., Pfizer Inc., Pharmacia Corporation, and Pharmacia & Upjohn Company LLC,

Defendants.

Civil No. 06-873 (JMR/FLN)

ORDER

Tara Sutton for Plaintiffs
Beth Rose for Defendant Boehringer Ingelheim Pharmaceuticals

THIS MATTER came before the undersigned United States Magistrate Judge on March 21, 2007, on Defendant Boehringer Ingelheim Pharmaceuticals' ("BIPI") letter requesting leave to file a motion for reconsideration of paragraph 1 of the Court's March 7, 2007, Order [#145]. Plaintiffs sent a letter to the Court opposing Defendant BIPI's request.

Paragraph 1 of the Court's March 7, 2007, Order states: "To the extent that Plaintiff seeks BIPI to produce responsive documents in BI's possession, the motion is **GRANTED**. BIPI must produce BI's documents that are responsive to Plaintiffs' document production requests." This paragraph is a rejection Defendant BIPI's argument that it has no obligation to produce material from before 2003 because it is in

the possession of Boehringer Ingelheim ("BI") and BI is a separate entity not a part of this action. [1]

Based on all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant BIPI's request for leave to file a motion for reconsideration is **DENIED**.

DATED: March 22, 2007

s/Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

[1]The scope of an agreement, reached by the parties in late November 2006, regarding the production of material from BI was not before the Court during the Februaury 26, 2007, hearing. If the Plaintiffs seek discovery outside the scope of that agreement, other than the discovery specifically provided for in paragraphs 2 and 7 of the Courts March 7, 2007, Order, then an appropriate motion should be brought.