



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

LOUISIANA MUNICIPAL POLICE )  
EMPLOYEES' RETIREMENT SYSTEM and )  
U.F.C.W. LOCAL 1776 & PARTICIPATING )  
EMPLOYERS PENSION FUND, )

Plaintiffs, )

v. )

Civil Action No. 5795-VCL

DAVID PYOTT, HERBERT W. BOYER, )  
LOUIS J. LAVIGNE, GAVIN S. HERBERT, )  
STEPHEN J. RYAN, LEONARD D. )  
SCHAEFFER, MICHAEL R. GALLAGHER, )  
ROBERT ALEXANDER INGRAM, TREVOR M. )  
JONES, DAWN E. HUDSON, RUSSELL T. RAY, )  
and DEBORAH DUNSIRE, )

Defendants, )

and )

ALLERGAN, INC. )

Nominal Defendant. )

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS'  
MOTION TO STAY PROCEEDINGS PENDING APPLICATION  
FOR AND RESOLUTION OF INTERLOCUTORY APPEAL**

Plaintiffs, Louisiana Municipal Police Employees' Retirement System ("LAMPERS") and U.F.C.W. Local 1776 & Participating Employers Pension Fund ("Local 1776") (together, "Plaintiffs"), respectfully submit this Memorandum in opposition to the motion filed by Defendants, including Nominal Defendant Allergan, Inc. (the "Company" or "Allergan"), to stay proceedings in this case pending a resolution of their request for interlocutory appeal from the Opinion issued by this Court on June 11, 2012 (the "Stay Motion").

There are many reasons the Stay Motion should not be granted.

First, the Stay Motion was filed *after* Defendants were *already in default* of their obligation to answer the Complaint. Pursuant to Rule 12(a)(1), Defendants were obligated to file and serve answers to the Complaint by Monday, June 25, 2012. That day came and went without Defendants filing their answers or seeking an extension of their time to do so. Indeed, they did not seek Plaintiffs' consent to a motion to extend their time to answer until Wednesday, June 27, 2012, when they were already in default. In these circumstances, Defendants' stay motion should not even be entertained by this Court.

Second, as Plaintiffs demonstrated in the opposition to the Application filed by Defendants to certify the Opinion for immediate review, Defendants cannot show a likelihood of success in terms of obtaining immediate review of the Opinion by the Delaware Supreme Court.

Third, given the impact that delays in the case prosecution has already had on this case, *i.e.*, giving Defendants the opportunity to seek to have the present case dismissed on collateral estoppel grounds after the California federal district court ruled on motions to dismiss filed in that other case, Defendants should not be provided with a further means of delaying the prosecution of this case.

Fourth, requiring the Defendants to answer the Complaint, as the Rules require them to do after their motions to dismiss were denied, would not impose any undue hardship on Defendants. As for discovery, requiring the Defendants to start producing documents would not cause any undue hardship since it is clear that Defendants

previously produced a significant number of relevant documents to the Government, and such documents could easily be produced to Plaintiffs without any hardship on Defendants. As for further discovery, Plaintiffs respectfully submit that should Defendants' appeal not be accepted by the Supreme Court, the Court should instruct the parties to meet and confer on a fast-track discovery schedule.

For the foregoing reasons, Plaintiffs respectfully submit that this Court should not grant any extensions to Defendants in answering the Complaint, should require Defendants to produce to Plaintiffs within ten (10) business days all of the documents they earlier produced to the Government, and should compel the parties to place further discovery on a fast track should the Supreme Court not accept Defendants' appeal.

Dated: July 3, 2012

**CHIMICLES & TIKELLIS LLP**

*/s/ Pamela S. Tikellis*

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