

In the Supreme Court of the United States

ISAAC OWENS,

Applicant,

v.

AUXILIUM PHARMACEUTICALS, LLC

Respondent.

OPPOSITION TO APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

To the Honorable Elena Kagan, Associate Justice of the United States Supreme Court and Circuit Justice for the United States Court of Appeals for the Seventh Circuit:

1. On October 5, 2018, Applicant Isaac Owens filed an application for a 60-day extension of time to file a petition for writ of certiorari in the above-captioned case.

2. Respondent Auxilium Pharmaceuticals, LLC opposes applicant's request. The only stated purpose for the extension is to enable applicant to file a claim under a master settlement agreement, which he believes may be possible under "a reading of that Agreement" (which Auxilium does not concede) if "the last of his appellate deadlines has not passed." App. 3.

3. Applicant states that the facts of his case are disputed and the courts below misperceived an inconsistency in his expert's assumptions. *Id.* at 3 & n.1. Even if applicant were correct that an extension will permit him to file a claim in a settlement, that would not constitute good cause for a 60-day extension to file a petition for certiorari, particularly where, as here, no basis for such a petition has been identified. Indeed, Applicant suggests that, if this Court grants his request, he has no intention of filing a petition at all. *Id.* at 3.

4. Contrary to Applicant's contention, Respondent will suffer prejudice in administering this settlement program if Applicant delays filing any petition.

Wherefore, for all the above reasons, the application for an extension should be denied.

October 9, 2018

Respectfully submitted,

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Auxilium Pharmaceuticals, LLC

CORPORATE DISCLOSURE STATEMENT

In accordance with Supreme Court Rule 29.6, petitioners make the following disclosures:

Auxilium Pharmaceuticals, LLC is a limited liability company owned by its members Endo Pharmaceuticals Inc. and Generics International (US) 2, Inc.

Endo Pharmaceuticals Inc. and Generics International (US) 2 Inc. are each indirectly owned by their parent public limited company Endo International plc through subsidiaries, none of which is publicly held.

Endo International plc, a publicly held company, indirectly (through subsidiaries, none of which is publicly held) owns all of the interests in Auxilium Pharmaceuticals, LLC. Blackrock, Inc., a publicly held company, owns more than 10% of Endo International plc's stock.

Dated: October 9, 2018

Respectfully submitted,

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