

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE VILOXAZINE

Civil Action No. 25-12183 (MEF)(MAH)  
(CONSOLIDATED)

**ORDER**

This matter having come before the Court on Defendants' request to extend the deadline to serve Requests for Admissions ("RFAs") one year beyond the deadline currently set, i.e., from March 16, 2026 to March 28, 2027, roughly sixty days after the January 27, 2027 deadline for the substantial completion of document production, D.E. 79;

and in the alternative, Defendants seeking an extension of the deadline to forty-five days after Plaintiff's service of its responsive contentions on validity, i.e., May 20, 2026, *id.*;

and Defendants positing that there is good cause to extend the deadline because in the absence of Plaintiff's infringement and validity contentions and substantial document production, they will not be in a position to draft appropriate RFAs, *id.*;

and Plaintiff opposing Defendants' request, arguing that nothing has changed since the scheduling conference on December 17, 2025, wherein the Court heard argument on and denied Defendants' request for a significant extension of the deadline to serve RFAs, D.E. 80;

and Plaintiff asserting that the Court already rejected Defendants' request for a substantial extension for the RFAs deadline because Defendants have been developing their generics for years so they know the infringement and validity issues, Defendants are unlikely to learn anything substantially new in mid to late 2026 that would warrant discovery on entirely new issues, and to

the extent Plaintiff's contentions justify serving supplemental RFAs, the parties will meet and confer regarding appropriate RFAs, *id.*;

and the Court having considered Defendants' request, Plaintiff's opposition, and the record in this matter;

and it being well established that "matters of docket control and conduct of discovery are committed to the sound discretion of the district court." *In re Fine Paper Antitrust Litig.*, 685 F.2d 810, 818 (3d Cir. 1982); *see also Coyle v. Hornell Brewing Co.*, No. 08-2797, 2009 WL 1652399, at \*3 (D.N.J. June 9, 2009) ("In discovery disputes, the Magistrate Judge exercises broad discretion and is entitled to great deference.") (citations omitted);

and the Court finding that Defendants have failed to demonstrate good cause to serve their RFAs well beyond the deadline already set in the Pretrial Scheduling Order;<sup>1</sup>

**IT IS on this 26th day of March 2026,**

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<sup>1</sup> During the scheduling conference held on December 17, 2025, the Court was tasked with setting deadlines for the service of initial discovery requests and the substantial completion of document production. The Court put the parties on notice that in a Hatch-Waxman case, such as this, it tends to set restrictive deadlines because the Court and the parties are racing against a 30-month stay deadline. In this case, that 30-month stay expires on October 2, 2028. During a colloquy with the parties, the Court explained: "So the idea that, you know, we could be in late 2026 and somebody's still serving written discovery, I think is potentially very problematic." Tr. of Scheduling Conf., D.E. 44, 43:1-3. Plaintiff is correct, nothing has changed since that colloquy. This is still a Hatch-Waxman case up against a 30-month stay. The Court does not have the benefit of looking at Defendants' proposed deadline in a vacuum. Instead, the Court must consider that after RFAs are served, Plaintiff will need to respond. That response could include objections which may engender disputes brought to the Court. Beyond that there will be depositions, expert reports, and expert discovery. As the Court explained at the scheduling conference and reiterates now, the Court must keep this Hatch-Waxman case on track so that the parties and the Court are not caught flat-footed at the eleventh hour. Because no new circumstances have been brought to light that would warrant a modification to the schedule, the Court denies Defendants' request. But as noted during the scheduling conference, if after the substantial completion of document production Defendants believe they require some supplemental RFAs, they will meet and confer with Plaintiff.

**ORDERED** that Defendants' request to extend the deadline to serve its RFAs is denied;  
and it is further

**ORDERED** that Defendants shall serve their RFAs forthwith.

*s/ Michael A. Hammer*

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**Hon. Michael A. Hammer, U.S.M.J.**