

Eastern District of Kentucky
FILED
JUN 30 2005
AT LEXINGTON
LESLIE G WHITMER
CLERK U S DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON

EDWARD L. ABNEY, BARBARA ALLEN,)
JAMES DAY, ROBERT GREEN,)
DELBERT JACKSON, JAMES PUGH,)
ROGER THACKER, and DANIEL)
HUNTER WEBSTER,)

Plaintiffs,)

v.)

AMGEN, INC.,)

Defendant.)

Civil Action No. 5:05-CV-254-JMH

ORDER

** ** * * * * *

This matter is before the Court upon the defendant's motion to stay the preliminary injunction hearing scheduled for Tuesday, July 5, 2005 [Record No. 5].

The defendant seeks a stay of the matter until the Second Circuit renders a decision in *Suthers, et al. v. Amgen, Inc.*, No. 05-CV-4158 (PKC) (S.D.N.Y. June 6, 2005), a case against the defendant involving similar issues, but with different plaintiffs. After having considered the matter, the Court finds that because the cases do have different, albeit similar, facts, a hearing on the matter at this time would be beneficial. The Court also finds that the defendant's other stated reason for delaying the hearing, the plaintiffs' alleged delayed filing of the preliminary injunction motion, is not persuasive because the plaintiffs assert that they attempted other remedies before filing a complaint.

Based on the foregoing, **IT IS HEREBY ORDERED** that the defendant's motion [Record No. 5] be, and the same hereby is, **DENIED**. The hearing shall take place as previously scheduled.

This is the 30th day of June, 2005.



Signed By:

Joseph M. Hood *JMH*

United States District Judge