

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2009-028831

04/18/2014

HON. JOHN REA

CLERK OF THE COURT  
L. Gilbert  
Deputy

SANTOSH GEORGE KOTTAYIL, et al.

LAURA E SIXKILLER

v.

INSYS THERAPEUTICS INC, et al.

JOEL P HOXIE

JENNIFER JOAN AXEL  
EDWARD P WELCH  
MATTHEW R KIPP

MINUTE ENTRY

East Court Building – Courtroom 414

8:30 a.m. This is the time set for Oral Argument. Plaintiffs are represented by counsel, Laura E. Sixkiller, E. Jeffrey Walsh, Tiffany Marie Andras, and Katherine V. Brown. Defendants Insys Pharma, Inc., John N. Kapoor, John N. Kapoor Trust Dated 9/20/89, Michael L. Babich, Brian Tambi, Steve Meyer, and Rao Akella (collectively “Old Insys”) are represented by counsel, Joel P. Hoxie, Jim Condo, and Kelly Kszywinski. Defendant Insys Therapeutic, Inc. (“New Insys”) is represented by counsel, Jennifer Joan Axel, Troy B. Froderman, and counsel *pro hac vice*, Matthew R. Kipp, Edward P. Welch, and Sara Runnells Martin.

Court Reporter, Robin Bobbie, is present.

A record of the proceeding is also made by audio and/or videotape.

Argument is presented on New Insys Defendant’s February 25, 2014 Motion to Dismiss Count One of Plaintiffs’ Second Amended Complaint and Petition for Appraisal (filed under

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seal) and Old Insys Defendants' February 25, 2014 Motion to Dismiss Claims in the Second Amended Complaint.

IT IS ORDERED taking these matters under advisement.

Discussion is held regarding the setting of a comprehensive pretrial conference to discuss the Court's rulings on the motions to dismiss, Plaintiffs' April 17, 2014 Motion to set Discovery Parameters and Related Deadlines, and any rulings on motions in limine not directly expressed in the Court's minute entries as stated on the record.

IT IS ORDERED setting an In-Person Status Conference on **April 30, 2014 at 2:00 p.m.** (time allotted: 10 minutes), in this division.

**HONORABLE JOHN C. REA  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 W. JEFFERSON  
4<sup>TH</sup> FLOOR, COURTROOM 414  
PHOENIX, AZ 85003  
602-372-0382**

The proceeding will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$20.00 charge. If a CD or videotape is requested, please obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

**With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter.** If a court reporter is required, the Court must receive a written request at least three (3) court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

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**PLEASE NOTE:** This division requires that all motions, responses, replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

9:40 a.m. Matter concludes.