

TEXT ORDER: The Court has considered Teva 's January 24, 2024 letter request to file its answer to the counterclaims until after the District Court rules on Teva 's motion to dismiss certain of those counterclaims, pursuant to Local Civil Rule 12.2. The Court also has considered Amneal 's January 25, 2024 letter setting forth its objections to Teva 's proposal, and requesting that Amneal be permitted to proceed now on its anticipated Rule 12(c) motion. In the interest of judicial efficiency, and it appearing that the subject matter of Teva 's Rule 12(b)(6) motion and the subject matter of Amneal 's anticipated Rule 12(c) motion will likely overlap, and that both Teva 's Rule 12(b)(6) motion and Amneal 's Rule 12(c) motion will apply the same legal standard: (1) Teva 's request is granted. Teva shall file the answer to all remaining counterclaims upon resolution of the Rule 12(b)(6) motion; and (2) Amneal may proceed at this time with its Rule 12(c) motion. To the extent Teva posits that Amneal 's Rule 12(c) motion must await closure of the operative pleadings, that assertion is not well taken. It is well settled that the Court has the discretion to structure Rule 12 motion practice so as to promote timely and efficient resolution of the pleadings, and secure the just and speedy resolution of litigation particularly where, as here, there is likely significant overlap in the subject matter of the anticipated motions and the legal standard is virtually identical. See Fed. R. Civ. P. 1, 16 The Court also is not persuaded that Amneal 's Rule 12(c) motion necessarily requires an answer to the de-listing counterclaims. Finally, the February 21, 2024 in-person Rule 16 conference shall proceed as scheduled. So Ordered by Magistrate Judge Michael A. Hammer on 1/26/2024. (Hammer, Michael) (Entered: 01/26/2024)