

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 12, 2015

**Elisabeth A. Shumaker
Clerk of Court**

JOHNSON & JOHNSON VISION CARE,
INC.; ALCON LABORATORIES, INC.;
BAUSCH & LOMB INC.,

Plaintiffs – Appellants,

v.

SEAN D. REYES, in his official capacity
as Attorney General of the State of Utah,

Defendant – Appellee.

Nos. 15-4071, 15-4072 & 15-4073
(D.C. Nos. 2:15-CV-00252-DB,
2:15-CV-00257-CW &
2:15-CV-00259-DB)
(D. Utah)

1-800 CONTACTS, INC.; COSTCO
WHOLESALE CORPORATION,

Intervenors – Appellees.

ORDER

Before **HOLMES** and **PHILLIPS**, Circuit Judges.

We entered a temporary injunction in this appeal on May 13, 2015, prohibiting the State of Utah from enforcing the statute that is the subject of the appeal, in order to allow the State and the Intervenors-Appellees to respond to the motions for injunction pending appeal. We have now reviewed and considered the three motions for injunction pending appeal, the State’s and the Intervenors-Appellees’ responses to the motions, and the Appellants’ joint reply. Because the appellants have not satisfied the requirements

necessary for an injunction pending appeal, *see* 10th Cir. R. 8.1 (setting forth factors for consideration), we vacate the temporary injunction and DENY the motions for injunction pending appeal.

We grant the request to expedite the appeal, pursuant to the following briefing schedule:

- Appellants' opening briefs and appendices shall be filed no later than June 26, 2015;
- Appellees' (including Intervenors-Appellees) response briefs shall be filed no later than July 10, 2015;
- Appellants' (optional) reply briefs shall be filed no later than July 17, 2015.

Each party may file its own brief or the parties may file joint briefs if they choose. If separate briefs are filed they must include statements in accord with 10th Cir. R. 31.3(A). In addition, while the court favors agreement on a joint appendix for the appeals, the appellants may submit separate appendices. All filed appendices must comply with 10th Circuit Rule 30.1(A) through (F).

The parties will be advised regarding oral argument at a later date.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk