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2006 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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10-16-2006

## Morgan v. Gay

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THE UNITED STATES COURT OF APPEAL  
FOR THE THIRD CIRCUIT

Case No: 06-8045

SARAH MORGAN, on behalf of herself  
and all others similarly situated

v.

DENNIS W. GAY; GINA GAY; BASIC RESEARCH, L.L.C.;  
BAN, L.L.C.; KLEIN-BECKER, USA L.L.C.;  
COVAXIL LABORATORIES, L.L.C.; CARTER-REED COMPANY, L.L.C.,  
a/k/a THE CARTER-REED COMPANY; A.G. WATERHOUSE, L.L.C.;  
ALPHAGENBO TECH, L.L.C.; BODY FORUM, L.L.C.;  
BODY INNOVENTIONS, L.L.C.; COVARIX, L.L.C.;  
BYDEX MANAGEMENT, L.L.C.; NUTRASPORT, L.L.C.;  
SOVAGE DERMALOGIC LABORATORIES, L.L.C.;  
WESTERN HOLDING, L.L.C.; GEORGE EVAN BYBEE;  
DANIEL B. MOWREY, Ph.D; NATHALIE CHEVREAU, Ph.D;  
MITCHELL K. FRIEDLANDER; MICHAEL MEADE,

Petitioners

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On Appeal from the United States District Court  
for the District of New Jersey  
District Court No.-06-cv-01371  
District Judge: The Honorable Garrett E. Brown, Jr.

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Submitted September 7, 2006

Before: BARRY, SMITH, and NYGAARD, *Circuit Judges*

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ORDER

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This cause came to be heard on a Petition for Leave to Appeal pursuant to 28

U.S.C. § 1453(c) from the United States District Court for the District of New Jersey and was submitted on August 16, 2006. On consideration thereof, it is now ORDERED that Defendants' Petition for Leave to Appeal under 28 U.S.C. § 1453(c) is granted. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ D. Brooks Smith  
Circuit Judge

Dated: October 16, 2006