IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

BIODELIVERY SCIENCES INTERNATIONAL, INC. and ARIUS TWO, INC.,	)	
Plaintiffs,	)	
v.	)	Civ. No. 19-444-CFC-CJB
CHEMO RESEARCH S.L., INSUD PHARMA S.L., INTELGENX CORP., and INTELGENX TECHNOLOGIES CORP.,	)	
Defendants.	)	

MEMORANDUM ORDER

Pending before the Court are objections to the Magistrate Judge's denial of a request to stay the case made by Plaintiff Biodelivery Sciences International, Inc. (BDSI). D.I. 206. The Magistrate Judge denied the stay request in his February 28, 2020 Memorandum Order. D.I. 193 at 1.

"Pursuant to 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), non-dispositive pre-trial rulings made by magistrate judges on referred matters should only be set aside if clearly erroneous or contrary to law." *Masimo Corp. v. Philips Electronics North America Corporation*, 2010 Wl 2836379, at *1 (D. Del. July 15, 2010). "A finding is clearly erroneous if the determination "(1) is completely devoid of minimum evidentiary support displaying some hue of

credibility, or (2) bears no rational relationship to the supportive evidentiary data . . ." *Id.* (quoting *Haines v. Liggett Group Inc.*, 975 F.2d 81, 92 (3d Cir.1992)).

Applying this standard to the Magistrate Judge's ruling, the Court finds no error in his decision. BDSI argues that the Magistrate Judge made "the wrong legal inquiry" and that "[t]he correct analysis focuses on whether a stay will simplify the issues and how it impacts the parties." D.I. 206. But it is clear from footnote 2 of the Memorandum Order that the Magistrate Judge did consider whether a stay would simplify the issues and also considered how a stay would "impact[] the parties." And the Court does not find that the Magistrate Judge in any way abused his discretion in determining that a stay was not warranted under the circumstances presented to him.

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Objections (D.I. 206) are OVERRULED.

6.4.20
Date

United States District Judge