

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

SANOFI-AVENTIS U.S., LLC,

*Plaintiff,*

*v.*

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, *et al.*,

*Defendants.*

Civil Action No. 3:21-cv-634

**PGS ~~PROPOSED~~ ORDER**

Upon consideration of the parties' Joint Motion for Entry of Declaratory Judgment and Injunction, it is ORDERED that the Motion is GRANTED. Accordingly, consistent with the opinion and judgment issued by the U.S. Court of Appeals for the Third Circuit on January 30, 2023, and the mandate issued by the same court on April 25, 2023, it is:

DECLARED that Advisory Opinion 20-06 and the Violation Letter from the Health Resources and Services Administration to Plaintiff Sanofi-Aventis U.S., LLC ("Sanofi"), dated May 17, 2021 ("Violation Letter"), are unlawful for the reasons set forth in the Third Circuit's January 30, 2023 opinion;

DECLARED that Sanofi's particular policy limiting the use of contract pharmacies under Section 340B of the Public Health Service Act ("Section 340B"), 42 U.S.C. § 256b, as addressed in the Third Circuit's January 30, 2023 opinion, does not


violate Section 340B for the reasons set forth in that opinion;

ORDERED that the Violation Letter is VACATED as contrary to law pursuant to 5 U.S.C. § 706;

ORDERED that Defendants, including their officers, agents, and employees, are ENJOINED from enforcing against Sanofi the agency's reading of Section 340B as requiring delivery of discounted drugs to an unlimited number of contract pharmacies.

SO ORDERED.

Date: 5/23/23

  
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Hon. Peter G. Sheridan  
United States District Judge