

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NOVARTIS PHARMACEUTICALS  
CORPORATION,

*Plaintiff,*

v.

DIANA ESPINOSA,  
Acting Administrator, Health Resources and  
Services Administration, *et al.*,

*Defendants.*

No. 21-cv-1479 (DLF)

UNITED THERAPEUTICS  
CORPORATION,

*Plaintiff,*

v.

DIANA ESPINOSA,  
Acting Administrator, Health Resources and  
Services Administration, *et al.*,

*Defendants.*

No. 21-cv-1686 (DLF)

**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is

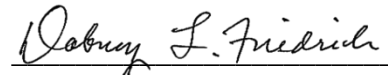
**ORDERED** that the plaintiffs' Motions for Summary Judgment, Dkt. 19 (*Novartis*), Dkt. 14 (*United Therapeutics*) are **GRANTED IN PART** and **DENIED IN PART**. The Motions are **GRANTED** as to the plaintiffs' request for vacatur and declaratory relief that the conditions set forth in their new 340B policies are not prohibited by Section 340B on the grounds stated in the Violation Letters and advanced by the Health Resources and Services Administration in this

litigation, namely that the statute's plain language, purpose, and structure prohibit manufacturers from imposing any conditions on their offers, and **DENIED** as to the plaintiffs' requests for other relief. It is further

**ORDERED** that defendants' Motions for Summary Judgment, Dkt. 13 (*Novartis*), Dkt. 16 (*United Therapeutics*) are **DENIED**.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

  
DABNEY L. FRIEDRICH  
United States District Judge

November 5, 2021