

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ASTRAZENECA PHARMACEUTICALS LP,

*Plaintiff,*

v.

XAVIER BECERRA, et al.,

*Defendants.*

C.A. No. 21-27-LPS

**[PROPOSED] FINAL JUDGMENT**

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 AstraZeneca Pharmaceuticals LP (AstraZeneca), dated May 17, 2021 (Violation Letter), are unlawful;

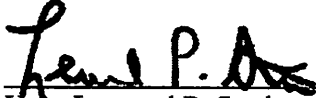
DECLARED that AstraZeneca's policy limiting the use of contract pharmacies under Section 340B of the Public Health Service Act (Section 340B), 42 U.S.C. § 256b—namely, that covered entities may use an in-house pharmacy and, if they do not have an in-house pharmacy, they may use one contract pharmacy—does not violate Section 340B;

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 AstraZeneca the agency's reading of Section 340B as requiring delivery of discounted drugs to an unlimited number of contract pharmacies.

SO ORDERED.

Date: May 5, 2023

  
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Hon. Leonard P. Stark  
United States District Court