

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PHARMACEUTICAL RESEARCH AND
MANUFACTURERS OF AMERICA,

Plaintiff,

vs.

XAVIER BECERRA, et al.

Defendants.

Civil Action No. 8:21-cv-198-DLB

JOINT STATUS REPORT

In light of the Court's Letter Order dated February 27, 2023, counsel for Plaintiff Pharmaceutical Research and Manufacturers of America (PhRMA) and counsel for Defendants Xavier Becerra, *et al.*, submit this Joint Status Report.

The Court's February 27, 2023 Letter Order granted the parties' request to stay this case "pending completion of the defendants' ongoing rulemaking proceeding relating to the 340B administrative dispute resolution rule." ECF No. 51. The parties' prior Joint Status Reports have noted that the ADR Rule was received by the Office of Management and Budget on October 16, 2023, and that the ADR Rule was pending regulatory review pursuant to Executive Order 12866.

At this time, the parties report that the Department of Health and Human Services (HHS) and the Health Resources and Services Administration (HRSA) published the ADR Rule in the Federal Register on April 19, 2024. *See 340B Drug Pricing Program; Administrative Dispute Resolution Regulation*, 89 Fed. Reg. 28,643 (Apr. 19, 2024);

<https://www.hrsa.gov/opa/340b-administrative-dispute-resolution>. The ADR Rule states that it will take effect on June 18, 2024. *See* 89 Fed. Reg. at 28,643.

Accordingly, the parties propose that they file a further Joint Status Report on July 18, 2024, at which time they anticipate that they will be in a position to advise the Court regarding proposed next steps for this action.

Date: May 20, 2024

/s/ Jody D. Lowenstein

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