

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
DEBORAH L. BOARDMAN
UNITED STATES DISTRICT JUDGE

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February 15, 2023

LETTER ORDER

RE: *Pharmaceutical Research and Manufacturers of America v. Beccera, et al.*
DLB-21-0198

Dear Counsel:

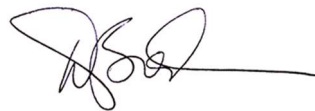
This case was transferred to me following the retirement of the Honorable Paul W. Grimm. I have begun reviewing the parties' filings, and I thank counsel for their excellent briefing in this matter.

I am aware that this case is one of several similar challenges filed in other courts around the same time. *See, e.g., Eli Lilly & Co. v. Cochran*, 526 F. Supp. 3d 393 (S.D. Ind. 2021); *Sanofi-Aventis U.S., LLC v U.S. Dep't of Health & Hum. Servs.*, 570 F. Supp. 3d 129 (D.N.J. 2021). In May of last year, the parties submitted supplemental briefing regarding *Sanofi-Aventis*, a case involving arguments similar to ones raised by PhRMA in this case. ECF 36 & 39. Two weeks ago, the Third Circuit affirmed in part and reversed in part that decision. *Sanofi Aventis U.S. LLC v. U.S. Dep't of Health & Hum. Servs.*, 58 F.4th 696 (3d Cir. 2023). I also am aware that the defendants issued in November 2022 a notice of proposed rulemaking proposing revisions to the administrative dispute resolution rule challenged in this case. *See* 87 Fed. Reg. 73,516 (Nov. 30, 2022).

In light of these developments, I request that the parties submit a joint status report by Friday, February 24, 2023 noting whether these or any other post-briefing developments affect any of the issues in this case, and if so, whether they should be addressed in additional briefing.

Although informal, this letter is an Order of the Court and will be docketed as such.

Sincerely,



Deborah L. Boardman
United States District Judge