

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. Since the parties' most-recent update, the Department of Health and Human Services (HHS) and its Health Resources and Services Administration (HRSA) state that they have continued to work diligently on the administrative dispute resolution (ADR) rulemaking initiated late last year. *See* 87 Fed. Reg. 73,516 (Nov. 30, 2022). At this time, defendants are unable to predict the likely timeframe for completion of that rule. The parties anticipate that, when the rulemaking proceeding concludes, they will be able to advise the Court regarding appropriate next steps.

Date: May 26, 2023

/s/ Kate Talmor

BRIAN NETTER
Deputy Assistant Attorney General

MICHELLE R. BENNETT
Assistant Branch Director

KATE TALMOR
JODY LOWENSTEIN
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs
Branch
1100 L Street, NW
Washington, DC 20005
(202) 305-5267
kate.talmor@usdoj.gov

Attorneys for Defendants

Respectfully submitted,

/s/ Robert J. Conlan

Robert J. Conlan (#19323)
rconlan@sidley.com
Kwaku A. Akowuah (*pro hac vice*)
kakowuah@sidley.com
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
Telephone: 202-736-8000
Facsimile: 202-736-8711

*Attorneys for Plaintiff Pharmaceutical
Research and Manufacturers of America*