

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Pharmaceutical Research and  
Manufacturers of America,

Case No. 0:20-cv-01497-DSD-DTS

Plaintiff,

**DEFENDANTS’ MEMORANDUM  
IN RESPONSE TO PLAINTIFF’S  
CONDITIONAL MOTION FOR  
LEAVE TO FILE  
SUPPLEMENTAL COMPLAINT**

v.

Stuart Williams, et al.,

Defendants.

With its response to Defendants’ motion to dismiss [Doc. No. 12], Plaintiff Pharmaceutical Research and Manufacturers of America (“PhRMA”) conditionally moved this Court for leave to file a supplemental complaint [Doc. No. 34]. PhRMA seeks leave to supplement only “if the Court harbors any doubt concerning its authority to adjudicate PhRMA’s claims.” (Pl.’s Mem. Supp. Conditional Mot. at 4 [Doc. No. 36].)

Because PhRMA’s claims should be dismissed for various reasons separate from the limited standing and ripeness arguments it attempts to cure with its proposed supplemental complaint, its motion to supplement should be denied as futile. *Motion Nat’l Credit Union Admin. Bd. v. U.S. Bank Nat’l Assoc.*, 898 F.3d 243, 256 (2d Cir. 2018) (listing futility as a valid reason to deny a motion to supplement); *also cf. Streambend Properties II, LLC v. Ivy Tower Minneapolis, LLC*, 781 F.3d 1003, 1015 (8th Cir. 2015) (stating that a district court may appropriately deny leave to amend where the amendment would be futile). If, however, the Court fully denies Defendants’ motion to

dismiss, Defendants do not oppose PhRMA's conditional motion to supplement its complaint.

Dated: November 5, 2020

Respectfully submitted,

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