

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

AMNEAL PHARMACEUTICALS LLC,

Plaintiff,

v.

PHILIP J. WEISER, in his official capacity as
Attorney General of the State of Colorado,

Defendant.

Case No.: 24-cv-2609

JOINT STATUS REPORT

The parties previously filed a joint motion to stay this case pending resolution of the appeal in *Teva Pharmaceuticals USA, Inc. v. Weiser* (10th Cir. No. 24-1035), another case in which the plaintiff seeks to enjoin Defendant from enforcing the requirement that manufacturers reimburse or resupply pharmacies with epinephrine auto-injectors dispensed under Colorado’s affordability program.¹ The appeal presented a sovereign immunity argument that, absent a stay, Defendant would have presented in a motion to dismiss in this case.

This Court granted the parties’ motion, deemed the case administratively closed, and ordered the parties to file any motion to reopen within 14 days of the Tenth Circuit’s ruling. *See* ECF 18. On September 5, 2025, the Tenth Circuit issued its opinion in the *Teva* appeal, affirming the district court’s denial of Defendant’s motion to dismiss on sovereign immunity grounds. *See* Ex. A.

¹ Before this case was administratively closed, Defendant filed a notice designating the *Teva* matter, which is pending in this Court before Judge Domenico, as a related case. *See* ECF 7.

Defendant intends to seek rehearing of the *Teva* decision. The Tenth Circuit has granted an extension for the filing of the petition, which will be due October 20, 2025. Given that litigation remains ongoing in the Tenth Circuit, the parties will wait until the petition for rehearing is resolved before moving to reopen this case. In keeping with this Court's prior order, the parties will file any such motion within 14 days of the Tenth Circuit's decision on the petition.

Dated: September 19, 2025

/s/ Jay P. Lefkowitz

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