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February 24, 2025

**VIA ECF**

Maureen W. Gornik  
Acting Clerk of Court  
Thomas F. Eagleton Courthouse  
111 South 10th Street  
Room 24.329  
St. Louis, MO 63102

**Re: *Association for Accessible Medicines v. Keith Ellison*, No. 24-1019**

Dear Ms. Gornik:

Pursuant to Rule 28(j), I write to inform the Court of the recent decision in *Association for Accessible Medicines v. Bonta*, --- F. Supp. 3d ---, 2025 WL 489713 (E.D. Cal. Feb. 13, 2025). In that case, the court granted AAM summary judgment on its claim that a California law prohibiting certain settlement agreements violates the dormant Commerce Clause because it directly regulates “agreements that were not negotiated, completed, or entered in California.” *Id.* at \*7. That decision supports AAM’s arguments for affirming the preliminary injunction in this case.

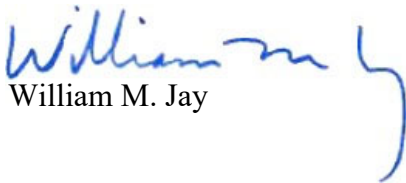
*Bonta* rejected the argument (also made by Defendant here in his reply brief and at oral argument) that *National Pork Producers Council v. Ross*, 598 U.S. 356 (2023), eliminated the Commerce Clause’s prohibition on direct regulation of out-of-state commerce. 2025 WL 489713, at \*7-9, \*11. As AAM explained, every court to consider the question has recognized that *Ross* did not disturb this prohibition, because it considered a state statute that actually regulated in-state conduct (the sale of meat). Answering Br. 29. *Bonta* is the latest decision to agree. 2025 WL 489713, at \*9. Indeed, it found “instructive” the district court’s decision in this case, as well as Ninth Circuit precedent that AAM also cited. *Id.* at \*9 (citing *Sam Francis Foundation v. Christies, Inc.*, 784 F.3d 1320 (9th Cir. 2015) (en banc)); see Answering Br. 26 n.18, 35-36.

The California Attorney General, like Defendant’s reply brief here, argued that all pre-*Ross* circuit precedent must be disregarded. The *Bonta* court disagreed. 2025 WL 489713, at \*9. For the same reasons, this Court should reject Defendant’s argument that it should disregard *Styczinski v. Arnold*, 46 F.4th 907 (8th Cir. 2022), under which Minnesota’s statute is unconstitutional on its face.



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Respectfully submitted,

A handwritten signature in blue ink that reads "William M. Jay". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

William M. Jay

Enclosure

cc: Counsel of Record (via ECF)