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February 26, 2025

Maureen W. Gornik
Acting Clerk of Court
Thomas F. Eagleton Courthouse
111 South 10th Street
Room 24.328
St. Louis, MO 63102

via ECF

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

Dear Ms. Gornik:

Appellant writes in response to AAM's Rule 28(j) letter informing this Court of a recent district court decision from California, *Association for Accessible Medicines v. Bonta*, --- F. Supp. 3d ---, 2025 WL 489713 (E.D. Cal. Feb. 13, 2025). This decision is inapposite and should not guide this Court's decision in this case. Specifically, the California court explicitly found that the challenged law applies to wholly extraterritorial transactions, including agreements with absolutely no connection to California. *Id.* at *11. That is not true for the act at issue in this appeal.

Though unconnected to anything in *AAM v. Bonta*, AAM concludes its letter—beyond the scope of Rule 28(j)—by misrepresenting Appellant's arguments regarding this Court's decision in *Styczinski v. Arnold*, 46 F.4th 907 (8th Cir. 2022). AAM also made this misrepresentation during the October 23, 2024 oral argument before this Court, claiming both that Appellant failed to analyze *Styczinski* until its reply brief and that Appellant urged this Court to abandon *Styczinski*'s rationale. See *Association for Accessible Medicines v. Keith Ellison*, No. 24-1019, Oral Argument at 13:27-14:00, available at <http://media-oa.ca8.uscourts.gov/OAudio/2024/10/241019.mp3> (argued October 23, 2024). On the contrary, while Appellant argued that *Styczinski* might be rethought in light of *National Pork Producers Council v. Ross*, 598 U.S. 356 (2023), see Appellant's Reply at 10-11, its primary argument is that the law at issue in *Styczinski* was overbroad, permitting application to parties and transactions with no connection to Minnesota. See Appellants Br. at 29-30; Appellant's Reply at 8-10. Appellant is certain AAM's misrepresentations will not impact the Court's ultimate decision, but would nevertheless urge the Court to disregard issues unrelated to Rule 28(j) presented in AAM's present and future Rule 28(j) letters to this Court.

Signature is on the next page.

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Respectfully submitted,

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CC: Counsel of Record (via ECF)