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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

PHARMACEUTICAL RESEARCH AND
MANUFACTURERS OF AMERICA,

Plaintiff,

v.

ANDREW STOLFI, in his official capacity as
Director of the Oregon Department of
Consumer and Business Services,

Defendant.

Case No. 6:19-cv-01996-AA

**JOINT MOTION TO STAY AND
STATUS REPORT**

CERTIFICATION

Pursuant to Local Rule 7-1, counsel certify that they have conferred and have agreed to jointly seek the requested relief.

MOTION AND JOINT STATUS REPORT

This case involves a challenge to Oregon House Bill 4005 (the Disclosure Law) under the First Amendment, the Takings Clause of the Fifth Amendment, and the dormant Commerce Clause. This Court previously granted summary judgment in favor of Plaintiff Pharmaceutical Research and Manufacturers of America (PhRMA) on its claims under the First Amendment and the Takings Clause, and denied summary judgment to both parties on PhRMA's claim under the dormant Commerce Clause.

On August 26, 2025, the U.S. Court of Appeals for the Ninth Circuit issued a decision reversing this Court's First Amendment and Takings Clause rulings. Following the Ninth Circuit's issuance of its mandate, this Court directed the parties to file, by December 1, "a joint status report proposing their plan and/or deadlines to move this case forward." ECF No. 86 (Nov. 5, 2025). This Court subsequently extended the deadline for this status report to January 5, 2026. ECF No. 93 (Dec. 17, 2025).

PhRMA intends to file a petition for a writ of certiorari, currently due January 21, 2026, seeking Supreme Court review of the Ninth Circuit's decision. That petition will not involve PhRMA's claim under the dormant Commerce Clause, which remains pending in this Court.

In light of PhRMA's forthcoming certiorari petition, and in response to this Court's directive to file a joint status report, PhRMA and Defendant have conferred and reached agreement regarding further proceedings on PhRMA's dormant Commerce Clause claim. As part of their agreement, the parties jointly request that this Court stay proceedings on that claim

pending the Supreme Court's disposition of PhRMA's certiorari petition. The parties have further agreed that, should the Supreme Court either deny certiorari or affirm the Ninth Circuit's decision on the merits, PhRMA will voluntarily dismiss without prejudice the dormant Commerce Clause claim.

A stay of PhRMA's dormant Commerce Clause claim pending ongoing appellate proceedings is amply justified by interests of judicial economy. *See Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936). In particular, and in light of the parties' agreement, a stay of the claim will minimize the unnecessary use of party and judicial resources, as the Supreme Court's disposition of the petition could render unnecessary any further proceedings on that claim.

CONCLUSION

The Court should stay further proceedings on PhRMA's claim under the dormant Commerce Clause pending the Supreme Court's disposition of PhRMA's forthcoming petition for a writ of certiorari and, if certiorari is granted, its decision on the merits.

DATED: January 5, 2026

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