

No. 24-1035
IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

TEVA PHARMACEUTICALS
USA, INC.,

Plaintiff-Appellee,

v.

PHILIP J. WEISER, in his
official capacity as Attorney
General of the State of Colorado;
PATRICIA A. EVACKO; ERIC
FRAZER; RYAN LEYLAND;
AVANI SONI; JAYANT PATEL;
KRISTEN WOLF; ALEXANDRA
ZUCCARELLI, in their official
capacities as members of the
Colorado State Board of
Pharmacy,

Defendants-Appellants.

On Appeal from the U.S. District Court for the District of Colorado
The Honorable Daniel D. Domenico, District Judge
No. 23-cv-02584-DDD-JPO

**APPELLANTS' SECOND UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE PETITION FOR REHEARING**

Defendants-Appellants (“Appellants”), through undersigned counsel, respectfully move this Court for a 7-day extension of time to file a Petition for Rehearing (*i.e.*, up to and including October 27, 2025) pursuant to Fed. R. App. P. 40.

CERTIFICATE OF CONFERRAL

Pursuant to 10th Cir. R. 27.1 and 10th Cir. R. 27.6(C)(2), counsel for Appellants conferred with counsel for Appellee regarding the relief sought in this motion. Appellee does not oppose this motion.

MOTION

1. Appellants’ current deadline to file a Petition for Rehearing is October 20, 2025. (Doc. 46).

2. Undersigned counsel have been diligently working on the petition, but need a short extension to complete it. Conflicting matters have made it difficult to meet the deadline. These include pending briefing in *American Car Rental Assoc. v. Humphreys et al.* (No. 25-1246, 10th Cir.), unexpected discovery, discovery disputes, and hearing in *Uber Technologies, Inc. v. Rosett* (No. 25-cv-96-DDD-KAS, D. Colo.), and completing briefing in opposition to a motion for preliminary

injunction in *Assoc. of Home Appliance Manufacturers v. Ryan et al.* (No. 25-cv-2417-SKC-KAS, D. Colo.).

3. This case presents issues of significant importance. The interplay of sovereign immunity in the Fifth Amendment takings context is an issue that will have significant consequences for Appellants, the State of Colorado, and every other state in the nation. A short extension will allow Appellants to fully present this issue to the Court.

4. Accordingly, Appellants respectfully request a short 7-day extension of time, up to and including October 27, 2025, to file their Petition for Rehearing.

5. This is the Appellants' second request to extend this deadline. Since Appellee does not object, the requested extension will not prejudice any party in this case.

6. Accordingly, Appellants respectfully request that the Court grant a 7-day extension of time (*i.e.*, up to and including October 27, 2025) for Appellants to file their Petition for Rehearing in this matter.

Respectfully submitted this 15th day of October, 2025.

PHILIP J. WEISER
Attorney General

s/Pawan Nelson

PAWAN NELSON*

Senior Assistant Attorney General

JENNIFER JOHNSON**

Second Assistant Attorney General

Colorado Department of Law

Ralph L. Carr Colorado Judicial Center

1300 Broadway, 10th Floor

Denver, Colorado 80203

Telephone: 720-508-6586

E-Mail: pawan.nelson@coag.gov

jennifer.johnson@coag.gov

*Counsel of Record for AG Weiser

**Counsel of Record for Patricia A.

Evacko, Erick Frazer, Ryan Leyland,

Jayant Patel, Avani Soni, Kristen Wolf,

and Alexandra Zuccarelli

Attorneys for Defendants-Appellants

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitations of Fed. R. App. P. 27(d) because it contains 312 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f), as calculated by the word-counting function of Microsoft Word.

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared proportionally spaced typeface—14-point Century Schoolbook—using Microsoft Word.

s/ Pawan Nelson

PAWAN NELSON

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed on October 15, 2025, with the Clerk of Court using CM/ECF system, which will send a notification to the attorneys of record in this matter, who are registered with the CM/ECF system.

s/Sarah Bomgardner

Sarah Bomgardner