

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

Civil Action No. 23-cv-2584-DDD-SKC

TEVA PHARMACEUTICALS USA, INC.,

Plaintiff,

v.

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

Defendants.

JOINT NOTICE REGARDING RULE 41 STIPULATION OF DISMISSAL

Plaintiff Teva Pharmaceuticals USA, Inc. (“Plaintiff”), Defendant Philip J. Weiser, in his official capacity as Attorney General of the State of Colorado (“the AG”), and Defendants Patricia A. Evacko, Eric Frazer, Ryan Leyland, Jayant Patel, Avani Soni, Kristen Wolf, and Alexandra Zuccarelli, in their official capacities as members of the Colorado State Board of Pharmacy (collectively, “the Board members”), hereby submit this joint notice regarding the Rule 41 stipulation of dismissal filed in this case on December 23, 2025. ECF 69.

All parties intended the stipulation of dismissal to apply only to the Board members. The parties have not stipulated to the dismissal of Plaintiff’s claims against the AG.

The parties therefore submit that the order terminating this case, ECF 70, was entered in error. Plaintiff’s claims against the Board members should be dismissed, but the case against the AG should go forward.

Dated: December 23, 2025

s/Cole T. Carter

Jay P. Lefkowitz, P.C.
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4970
lefkowitz@kirkland.com

Cole T. Carter
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-1951
cole.carter@kirkland.com

Counsel for Plaintiff Teva Pharmaceuticals USA, Inc.

s/Pawan Nelson

PAWAN NELSON, #49462*
Assistant Attorney General
Telephone: 720-508-6578
Email: pawan.nelson@coag.gov
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203
** *Counsel of Record for Attorney General Weiser*

s/Jennifer Johnson

JENNIFER JOHNSON, #46982*
Assistant Attorney General
Telephone: (720) 508-6379
Email: jennifer.johnson@coag.gov
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th Floor
Denver, CO 80203
*** *Counsel of Record for Colorado Board of Pharmacy Members*

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

Civil Action No. 23-cv-2584-DDD-SKC

TEVA PHARMACEUTICALS USA, INC.,

Plaintiff,

v.

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

Defendants.

RULE 41 STIPULATION OF DISMISSAL

WHEREAS, Plaintiff Teva Pharmaceuticals USA, Inc. (“Plaintiff”), filed a Complaint against Patricia A. Evacko, Eric Frazer, Ryan Leyland, Jayant Patel, Avani Soni, Kristen Wolf, and Alexandra Zuccarelli, in their official capacities as members of the Colorado State Board of Pharmacy (collectively, “Board members”), and Philip J. Weiser, in his official capacity as Attorney General of the State of Colorado (the “AG”). Plaintiff’s Complaint seeks an injunction preventing the Board members and the AG from enforcing the reimburse-or-resupply requirement of C.R.S. 12-280-142.

WHEREAS, counsel for the Board members has represented that, effective June 3, 2024, amendments to the statute eliminated the Board member's enforcement authority over manufacturers,¹ and vested all such authority in the AG. *See C.R.S. 12-280-142(11).*

WHEREAS, the parties have agreed to resolve Plaintiff's claims against the Board members pursuant to the terms of this Stipulation.

IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, as follows:

1. Plaintiff falls within the definition of "manufacturer" in C.R.S. § 12-280-142(1)(d).
2. Effective June 3, 2024, the Board members no longer have authority to enforce any aspect of C.R.S. 12-280-142 against manufacturers and will not seek to enforce the statute against Plaintiff for any alleged violations occurring on or after June 3, 2024.
3. Plaintiff represents that, as of the date of this Stipulation, it has complied with C.R.S. § 12-280-142. As a result, neither the Board members nor Plaintiff are aware of any alleged violations of C.R.S. § 12-280-142 by Plaintiff between January 1, 2024, the effective date of the original statute, and June 2, 2024.
4. The AG is authorized to enforce C.R.S. § 12-280-142.
5. Plaintiff's claims against solely the Board members are voluntarily dismissed with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.
6. Plaintiff and the Board members shall bear their own attorneys' fees, costs, and expenses.

¹ The term "manufacturer" is defined at C.R.S. § 12-280-142(1)(d). The parties adopt that definition for purposes of this Stipulation.

Dated: December 23, 2025

s/ Cole Carter

Jay P. Lefkowitz, P.C.
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4970
lefkowitz@kirkland.com

Cole Carter
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-1951
cole.carter@kirkland.com

Counsel for Plaintiff Teva Pharmaceuticals USA, Inc.

s/ Pawan Nelson

PAWAN NELSON, #49462*
Assistant Attorney General
Telephone: 720-508-6578
Email: pawan.nelson@coag.gov
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203

*** Counsel of Record for Attorney General Weiser*

s/ Jennifer Johnson

JENNIFER JOHNSON, #46982*
Assistant Attorney General
Telephone: (720) 508-6379
Email: jennifer.johnson@coag.gov
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th Floor
Denver, CO 80203

**** Counsel of Record for Colorado Board of Pharmacy Members*