

ORDER requiring Supplemental Briefing. At today's consolidated hearing on the pending Motions for Preliminary Injunction in this case and the related case Healthcare Distribution Alliance v. Boughton et al, Civil No. 3:25-cv-01724 (OAW), Defendants clarified, for the first time, that it is their position that Sections 345 through 347 of Connecticut Public Act No. 25-168 (hereinafter, the "Act") do not apply to non-Connecticut manufacturers transacting with non-Connecticut distributors outside of Connecticut; nor to non-Connecticut distributors transacting with Connecticut retailers outside of Connecticut. Specifically, Plaintiff Healthcare Distribution Alliance (hereinafter, "HDA") received assurances from Defendants that, when a Connecticut hospital purchases and takes title of a covered product from a non-Connecticut distributor outside of Connecticut, such transaction is not considered a sale "in this state" under the Act, and thus does not expose the distributor to liability under the Act. While HDA and Plaintiff Association for Accessible Medicines (hereinafter, "AAM") appeared relieved by Defendants' assurances at the hearing, they understandably expressed a preference for written confirmation of the same, if even by way of a court ruling which could have the effect of judicial estoppel. Plaintiffs' concern is even more reasonable given that the Act's price cap goes into effect on January 1, 2026, which is quickly approaching. Further, AAM reiterated at the hearing that it previously asked Defendants for such assurances, but had not received a response this helpful prior to initiating litigation. See also ECF No. 20-1, at 12-13. Because the parties' memoranda of law contemplated a more broad application of the Act than Defendants represented at the hearing, see ECF Nos. 20-1, 29, 30, the court hereby ORDERS limited supplemental briefing. The court acknowledges that Plaintiffs carry the burden of demonstrating that they are entitled to injunctive relief; nevertheless, based on their representations at the hearing, the court believes that it would be most efficient for Defendants to submit their brief first, on or before Friday, December 12, 2025. Defendants' brief should explain how their position on the Act's applicability to Plaintiffs' members, as articulated at the hearing, affects the merits of the 20 Motion for Preliminary Injunction. Plaintiffs shall file their respective briefs, doing the same, on or before Tuesday, December 16, 2025. No brief shall exceed ten double-spaced pages. To the extent that there now may be areas of agreement regarding any issues in this case, the parties are strongly encouraged to meet, confer, and inform the court by filing a notice on or before Friday, December 12, 2025. The court believes these deadlines to be reasonable based on the record before it, the significance of the January 1 date, and the fact that the parties requested an expedited briefing schedule. See ECF

Nos. 25, 27. It is so ordered. Signed by Judge Omar A. Williams on 12/9/2025.
(Karamanakis, K) (Entered: 12/09/2025)