

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

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| HEALTHCARE DISTRIBUTION ALLIANCE, | : | Civil Action No.: 3:25-cv-01724-OAW |
| | : | |
| <i>Plaintiff,</i> | : | |
| | : | |
| v. | : | |
| | : | |
| MARK D. BOUGHTON, in his official capacity | : | |
| as Commissioner of the Connecticut Department | : | |
| of Revenue Services, and WILLIAM TONG, in | : | |
| his official capacity as Attorney General for the | : | |
| State of Connecticut, | : | |
| | : | |
| <i>Defendants.</i> | : | DECEMBER 26, 2025 |

PLAINTIFF’S MOTION FOR INJUNCTION PENDING APPEAL

Pursuant to Rule 62(d) of the Federal Rules of Civil Procedure and Rule 8(a)(1)(C) of the Federal Rules of Appellate Procedure, Plaintiff Healthcare Distribution Alliance (“Plaintiff” or “HDA”) hereby moves for an injunction pending the appeal of the Court’s December 24, 2025 Order (ECF No. 45) before the United States Court of Appeals for the Second Circuit. Plaintiff respectfully requests an injunction against Mark D. Boughton, in his official capacity as Commissioner of the Connecticut Department of Revenue Services, and William Tong, in his official capacity as Attorney General for the State of Connecticut, from implementing or enforcing against any of HDA’s members, the Connecticut Drug Price Cap of Public Act No. 25-168, §§ 345-47 (“the Drug Price Cap”), which is effective on January 1, 2026.

In light of Plaintiff’s position that it will suffer irreparable harm in the absence of preliminary injunctive relief from the Drug Price Cap that goes into effect January 1, 2026, as well as for all the reasons stated in prior briefing and at the December 9, 2025 hearing, Plaintiff is filing an immediate appeal to the Second Circuit.

Plaintiff respectfully asks this Court to enter an expedited ruling on this Motion based on the parties' prior submissions regarding Plaintiff's Motion for Preliminary Injunction (ECF No. 27). Substantially the same four-factor test applies to motions for a preliminary injunction and motions for an injunction pending appeal: Plaintiff must generally show that "(1) [it is] likely to succeed on the merits; (2) [it is] likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in their favor; and (4) an injunction is in the public interest." *Agudath Israel of Am. v. Cuomo*, 980 F.3d 222, 225-26 (2d Cir. 2020). Plaintiff recognizes that the Court evaluated its Motion for Preliminary Injunction (ECF No. 27) on these factors. ECF No. 45. Yet Plaintiff files this Motion because it must first move in this Court for an injunction pending appeal before seeking such relief in the Second Circuit. *See* Fed. R. Civ. P. 62(d); Fed. R. App. P. 8(a)(1); *see Agudath*, 980 F.3d at 225.

Plaintiff maintains that (1) HDA is likely to succeed on its claim that the Drug Price Cap is unconstitutional; (2) HDA's members will suffer irreparable harm absent an injunction; and (3) the balance of hardships and public interest militate in favor of an injunction. Together with its prior submissions in support of its Motion for Preliminary Injunction (ECF No. 27), and the arguments made at the December 9, 2025 hearing, HDA respectfully requests that the Court grant this Motion through entry of an injunction pending appeal.

Plaintiff has met and conferred with counsel for the State, who have informed us that the State opposes the request for an injunction pending appeal.

Dated: December 26, 2025
Hartford, Connecticut

Respectfully submitted,

/s/ Thomas J. Finn

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CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2025, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated below. Parties may access this filing through the Court's CM/ECF System.

By: /s/ Thomas J. Finn
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