

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

AMNEAL PHARMACEUTICALS LLC,

Case No.: 24-cv-02609-SBP

Plaintiff,

v.

PHILIP J. WEISER, in his official capacity as
Attorney General of the State of Colorado;
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,

Defendants.

RULE 41 STIPULATION OF DISMISSAL

WHEREAS, on September 20, 2024, Plaintiff Amneal Pharmaceuticals LLC (“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: October 22, 2024

s/ Cole Carter

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

Alexandra I. Russell
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 389-5258
alexandra.russell@kirkland.com

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

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*