

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

AMNEAL PHARMACEUTICALS
LLC,

Plaintiff,

v.

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

Defendant.

Case No.: 24-cv-2609

JOINT MOTION FOR STAY

Plaintiff Amneal Pharmaceuticals LLC and Defendant Philip J. Weiser respectfully request that the Court stay all deadlines, including the deadline for Defendant's responsive pleading, during the pendency of the appeal in *Teva Pharmaceuticals USA, Inc. v. Weiser* (10th Cir. No. 24-1035). The *Teva* appeal is from a related case in which the plaintiff, like Amneal here, seeks an injunction against the requirement that manufacturers reimburse or resupply pharmacies with epinephrine auto-injectors dispensed under Colorado's affordability program. The appeal concerns a sovereign immunity argument that Defendant would, absent a stay, assert in a motion to dismiss in this case. The most efficient course for the parties and court will be to await the Tenth Circuit's decision, which will likely

resolve the sovereign-immunity issue in this case as a matter of law. Since both parties agree that a stay is appropriate, and a stay will promote judicial economy, the parties respectfully request that the Court stay these proceedings pending the Tenth Circuit's decision in the *Teva* appeal. *See, e.g., Talmadge v. Berkley Nat'l Ins. Co.*, 687 F. Supp. 3d 1089, 1094 (D. Colo. 2023) (granting stay where dispositive legal question was pending before state supreme court in a related case).

The parties also ask for leave to file a joint status report within 30 days after the Tenth Circuit issues its opinion in the *Teva* appeal.

Dated: October 25, 2024

/s/ Jay P. Lefkowitz

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