

This Week in 340B: December 6 – 20, 2023

Article By:

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This weekly series provides brief summaries to help you stay in the know on how 340B cases are developing across the country. Each week we comb through the dockets of more than 50 340B cases to provide you with a quick summary of relevant updates from the prior week in this industry-shaping body of litigation.

Issues at Stake: Contract Pharmacy

- In a case regarding a state law governing contract pharmacy arrangements, plaintiff pharmaceutical company and defendant state attorney general jointly filed a motion to set briefing schedule, whereby both parties agreed to proceed directly to cross-motions for summary judgment.
- In a case regarding a state law governing contract pharmacy arrangements, defendant state attorney general filed: (1) a cross motion for summary judgment, (2) a statement of material fact to accompany the cross-motion for summary judgment, (3) a combined memorandum in opposition to motion for summary judgment and in support of cross motion for summary judgment, (4) a response to plaintiff pharmaceutical company's statement of material facts. In the same case, a state primary care association joined as an intervenor-defendant and filed the following: (1) a cross motion for summary judgment on all of plaintiff pharmaceutical company's claims and in opposition to plaintiff pharmaceutical company's motion and opposition, (2) a memorandum of law in support of intervenor-defendant's cross motion for summary judgment on all claims and in opposition to plaintiff's motion for summary judgment on preemption claims, (3) a statement of material facts in support of intervenor-defendant's cross motion, and (4) a response to plaintiff pharmaceutical company's statement of material facts
- In a separate case regarding a state law governing contract pharmacy arrangements, defendant state attorney general filed: (1) a cross motion for summary judgment, (2) a statement of material fact to accompany the cross-motion for summary judgment, (3) a combined memorandum in opposition to motion for summary judgment and in support of cross motion for summary judgment, (4) a response to plaintiff pharmaceutical company's statement of material facts. In the same case, a state primary care association joined as an intervenor-defendant and filed the following: (1) a cross motion for summary judgment on plaintiff pharmaceutical company's preemption and vagueness claims and in opposition to

plaintiff pharmaceutical company's motion, (2) a memorandum of law in support of intervenor-defendant's cross motion for summary judgment and in opposition to plaintiff's motion for summary judgment, (3) a statement of material facts in support of intervenor-defendant's cross motion, and (4) a response to plaintiff pharmaceutical company's statement of material facts. The court then set forth a notice of motion setting for the parties.

Patrick Moore, law clerk in McDermott's Los Angeles article, also contributed to this post.

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