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22 *Biotechnology Innovation Organization*

23 **UNITED STATES DISTRICT COURT**  
24 **DISTRICT OF NEVADA**

25 PHARMACEUTICAL RESEARCH AND  
26 MANUFACTURERS OF AMERICA and  
27 BIOTECHNOLOGY INNOVATION  
28 ORGANIZATION,

Plaintiffs,

vs.

BRIAN SANDOVAL, in his official capacity as  
Governor of the State of Nevada; RICHARD  
WHITLEY, in his official capacity as Director of  
the Nevada Department for Health and Human  
Services; and the NEVADA LEGISLATURE,

Defendants.

Case No.: 2:17-cv-02315-JCM-CWH

**PLAINTIFFS' UNOPPOSED MOTION  
FOR VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs Pharmaceutical Research and  
Manufacturers of America and Biotechnology Innovation Organization (together, "Plaintiffs"), by

1 and through their undersigned counsel, hereby move unopposed for voluntary dismissal of this action  
2 and state as follows:

3 On September 1, 2017, Plaintiffs filed their complaint against Defendants Governor Brian  
4 Sandoval and Nevada Department of Health and Human Services Director Richard Whitley, in their  
5 official capacities, seeking injunctive relief and a declaration that Nevada Senate Bill 539 is  
6 unconstitutional on the grounds that it conflicts with federal patent law and the 2016 Defend Trade  
7 Secrets Act, constitutes an unlawful government taking of trade secrets under the Fifth and  
8 Fourteenth Amendments, and violates the Commerce Clause of Article I. ECF No. 1.

9 On October 3, 2017, the Court permitted the Nevada Legislature to intervene as a defendant  
10 (collectively with Governor Sandoval and Director Whitley, “Defendants”). ECF No. 43.

11 On October 4, 2017, Governor Sandoval and Director Whitley answered the complaint, ECF  
12 No. 44, and, on October 5, 2017, the Legislature answered, ECF No. 45.

13 Pending before the Court are the parties’ cross-motions for summary judgment. *See, e.g.*,  
14 ECF Nos. 46, 66.

15 Plaintiffs have met and conferred with Defendants regarding the filing of this motion.  
16 Plaintiffs have agreed to move for voluntary dismissal without prejudice in light of the  
17 acknowledgements, assurances, changed circumstances, and reservation of rights described in the  
18 parties’ June 28, 2018 joint status report. ECF No. 95. Defendants do not oppose.

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Plaintiffs therefore respectfully request that the Court dismiss the complaint without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), with each party to bear its own costs.

Dated: June 28, 2018.

/s/ Pat Lundvall  
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*Attorneys for Plaintiffs Pharmaceutical Research  
and Manufacturers of America and  
Biotechnology Innovation Organization*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of McDonald Carano, and that on the 28<sup>th</sup> day of June, 2018, a true and correct copy of the foregoing PLAINTIFFS’ UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE was electronically filed with the Clerk of the Court by using CM/ECF service which will provide copies to all counsel of record registered to receive CM/ECF notification.

/s/ Beau Nelson  
An employee of McDonald Carano LLP

# Proposed Order

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

23 PHARMACEUTICAL RESEARCH AND  
24 MANUFACTURERS OF AMERICA and  
25 BIOTECHNOLOGY INNOVATION  
26 ORGANIZATION,  
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28 Plaintiffs,  
  
vs.  
  
BRIAN SANDOVAL, in his official capacity as  
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Defendants.

Case No.: 2:17-cv-02315-JCM-CWH

**ORDER GRANTING  
PLAINTIFFS' UNOPPOSED MOTION  
FOR VOLUNTARY DISMISSAL**

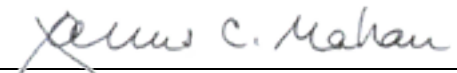
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Having reviewed Plaintiffs Pharmaceutical Research and Manufacturers of America and Biotechnology Innovation Organization’s Unopposed Motion for Voluntary Dismissal Without Prejudice, and good cause appearing therefor:

IT IS HEREBY ORDERED THAT:

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the instant action, *Pharmaceutical Research and Manufacturers of America, et al. v. Sandoval, et al.*, Case No. 2:17-cv-02315-JCM-CWH, is hereby dismissed without prejudice, each party to bear its own costs.

It is SO ORDERED June 28, 2018.

  
\_\_\_\_\_  
United States District Judge