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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHARMACEUTICAL RESEARCH AND
MANUFACTURERS OF AMERICA,

Plaintiff,

v.

ROBERT P. DAVID,

Defendant.

No. 2:17-cv-02573-MCE

ORDER

The Court has reviewed the parties' filings. However, as the Eastern District of California carries one of the heaviest caseloads in the nation, this Court is unable to expend the additional time necessary to prepare formal written orders for each motion. Thus, this Court will only briefly summarize the arguments, evidence, and matters necessary to reach its decision here.

Presently before the Court is Defendant California's Motion to Dismiss (ECF No. 43-2) arguing, in part, that this suit must be dismissed for Plaintiff's lack of standing, and for failure to state a claim. In this action, Plaintiff Pharmaceutical Research and Manufacturers of America ("PhRMA") seeks, in part, a declaration that Senate Bill 17, codified as California Health and Safety Code Section 127677 ("SB 17"), is unconstitutional due to its various notice, reporting, and justification obligations for prescription drug manufacturers.

1 After fully considering the parties' moving papers, the Court DENIES Defendant's
2 pending Motion. Plaintiff's FAC (ECF No. 38) makes non-conclusory allegations that: (1)
3 SB 17 compels Plaintiff's members to speak when they would rather remain silent (FAC
4 ¶ 96), contrary to the First Amendment; (2) SB 17's notice requirements improperly
5 impact the nationwide WAC list prices of prescription drugs (FAC ¶¶ 3, 7, 26, 102),
6 contrary to the Commerce Clause; and (3) SB 17's language does not articulate, and
7 California will not clarify, if the "two previous calendar years" standard for WAC price
8 increase notifications will be applied retroactively (FAC ¶¶ 84, 85, 90), contrary to the
9 Fourteenth Amendment's Due Process Clause. Finally, California's Request for Judicial
10 Notice (ECF No. 43-1) is GRANTED.

11 This Order encompasses the Court's final disposition of the motion(s) addressed
12 above. No further order(s) will be issued.

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14 DATED: July 30, 2019

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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