

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAINEGENERAL MEDICAL CENTER,

Plaintiff,

v.

CAROLE JOHNSON, et al.,

Defendants.

Civil Action No. 24-2187 (RC)

**STIPULATION AND JOINT MOTION TO WITHDRAW PLAINTIFF’S
MOTION FOR A TEMPORARY RESTRAINING ORDER**

Plaintiff MaineGeneral Medical Center and Defendants Xavier Becerra, Secretary, Department of Health and Human Services, and Carole Johnson, Administrator, Health Resources and Services Administration (the “Administration”), respectfully stipulate and jointly move to withdraw Plaintiff’s motion for a temporary restraining order (ECF No. 16) for the following reasons:

1. Plaintiff filed this suit on July 24, 2024, and served the U.S. Attorney’s Office on or about September 16, 2024. Plaintiff seeks declaratory and injunctive relief enjoining an action by the Administration allowing “a certain manufacturer that participates in the drug pricing program authorized under Section 340B of the Public Health Service Act . . . to audit Plaintiff’s confidential business records.” ECF No. 1 (Compl.) ¶ 1.

2. On November 22, 2024, Plaintiff moved for a temporary restraining order under Federal Rule of Civil Procedure 65(b), seeking to prevent the Administration from terminating Plaintiff as a covered entity under the 340B Program. ECF No. 16 (Pl.’s Mot.) at 1.

3. The parties hereby stipulate that the effective date of any termination of Plaintiff from the 340B Program, should any such termination occur, will not be before January 1, 2025.

The termination, if any, will not be reflected on the Administration's Office of Pharmacy Affairs Information System (OPAIS) any earlier than January 1, 2025. The parties also stipulate that the Administration will provide to Plaintiff thirty days' notice before any such termination becomes effective.

4. Accordingly, in reliance on the stipulations in Paragraph 3, Plaintiff hereby moves to withdraw its motion for a temporary restraining order (ECF No. 16). Defendants join in Plaintiff's motion to withdraw.

5. Plaintiff reserves the right to refile its Motion for a Temporary Restraining Order should circumstances change that could affect its status as a covered entity under the 340B Program.

6. A proposed order is attached.

Dated: November 27, 2024
Washington, DC

Respectfully submitted,

MATTHEW M. GRAVES, D.C. Bar #481052
United States Attorney

BRIAN P. HUDAK
Chief, Civil Division

By: /s/ M. Jared Littman
M. JARED LITTMAN
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
(202) 252-2523
Jared.Littman@usdoj.gov

Attorneys for the United States of America

/s/ Brandon C. Helms

BRANDON C. HELMS (pro hac vice)
Hall, Render, Killian, Heath & Lyman, P.C.
101 W. Big Beaver Road, Suite 745
Troy, MI 48084
(248) 457-7847
Bhelms@hallrender.com

TYLER JAMES JUNGER
DC Bar Identification No.: WI0036
TODD A. NOVA (pro hac vice)
Hall, Render, Killian, Heath & Lyman, P.C.
330 East Kilbourn Avenue, Suite 1250
Milwaukee, WI 53202
(414) 721-0922
jjunger@hallrender.com
tnova@hallrender.com

Counsel for Plaintiff

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PROPOSED ORDER

UPON CONSIDERATION of the parties' stipulation and joint motion to withdraw Plaintiff's motion for a temporary restraining order, and for good cause shown and the entire record herein, it is hereby

ORDERED that the parties' joint motion is GRANTED; and it is further

ORDERED that Plaintiff's motion for a temporary restraining order is hereby withdrawn.

SO ORDERED:

Dated

RUDOLPH CONTRERAS
District Court Judge