

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

<p>ASTRAZENECA PHARMACEUTICALS LP,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>XAVIER BECERRA, DANIEL J. BARRY, DIANA ESPINOSA, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, and HEALTH RESOURCES AND SERVICES ADMINISTRATION,</p> <p style="text-align: center;">Defendants.</p>	<p>C.A. No. 21-27-LPS</p>
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**ORDER AND FINAL JUDGMENT**

For the reasons set forth in the Court’s Memorandum Opinion and Order issued on June 16, 2021 (D.I. 78, 79) and the Court’s Memorandum Opinion and Order issued on February 16, 2022 (D.I. 112, 113),

**IT IS HEREBY ORDERED** that:

1. With respect to AstraZeneca’s first and second claims in the Second Amended Complaint (D.I. 86 ¶¶ 152-65), AstraZeneca’s first motion for summary judgment (D.I. 42) is **DENIED WITHOUT PREJUDICE**, and the government’s first motion for summary judgment (D.I. 55) is **DENIED WITHOUT PREJUDICE**. (See D.I. 83 ¶ 3)

2. With respect to AstraZeneca’s third claim in the Second Amended Complaint (D.I. 86 ¶¶ 166-73), AstraZeneca’s first motion for summary judgment (D.I. 42) is **GRANTED**, and the government’s first motion for summary judgment (D.I. 55) is **DENIED**. (See D.I. 83 ¶ 2)

3. Advisory Opinion 20-06 on Contract Pharmacies Under the 340B Program (D.I. 40-3 at 1-8), issued by the general counsel of HHS on December 30, 2020, is **SET ASIDE** and **VACATED**. (See D.I. 83 ¶ 4)

4. With respect to AstraZeneca's fourth claim in the Second Amended Complaint (D.I. 86 ¶¶ 174-80), AstraZeneca's second motion for summary judgment (D.I. 90) is **DENIED WITHOUT PREJUDICE**, and the government's second motion for summary judgment (D.I. 92) is **DENIED WITHOUT PREJUDICE**.

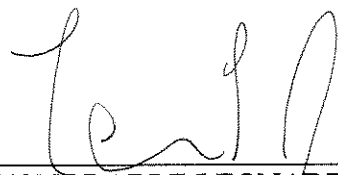
5. With respect to AstraZeneca's fifth and sixth claims in the Second Amended Complaint (D.I. 86 ¶¶ 181-93), AstraZeneca's second motion for summary judgment (D.I. 90) is **GRANTED**, and the government's second motion for summary judgment (D.I. 92) is **DENIED**.

6. The May 17, 2021 letter from HRSA to AstraZeneca (D.I. 66-1 Ex. 1) is **VACATED** and **SET ASIDE**, and the letter is **REMANDED** to the agency for further consideration in light of the Court's February 16, 2022 Memorandum Opinion. (See D.I. 113)

7. Any other requests for relief are **DENIED AS MOOT**.

8. The Clerk of the Court is directed to enter this Order and Final Judgment and to close this case forthwith.

March 11, 2022  
Wilmington, Delaware

  
HONORABLE LEONARD P. STARK  
UNITED STATES DISTRICT JUDGE