

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1054 (L)
(2:24-cv-00271)

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA

Plaintiff - Appellee

v.

JOHN B. MCCUSKEY, in his official capacity as Attorney General of West Virginia; JOHN BERNABEI, in his official capacity as a member of the West Virginia Board of Pharmacy; JAMES RUCKER, in his official capacity as a member of the West Virginia Board of Pharmacy; JENNA MISITI, in her official capacity as a member of the West Virginia Board of Pharmacy; SAM KAPOURALES, in his official capacity as a member of the West Virginia Board of Pharmacy; DAVID BOWYER, in his official capacity as a member of the West Virginia Board of Pharmacy; DENNIS LEWIS, in his official capacity as a member of the West Virginia Board of Pharmacy; ROBERT DUNCAN, in his official capacity as a member of the West Virginia Board of Pharmacy; ALLAN MCVEY, in his official capacity as Insurance Commissioner

Defendants - Appellants

340B HEALTH; AMERICAN HOSPITAL ASSOCIATION; WEST VIRGINIA
HOSPITAL ASSOCIATION; WEST VIRGINIA PRIMARY CARE
ASSOCIATION

Amici Supporting Appellants

and

AMERICAN SOCIETY OF HEALTH-SYSTEMS PHARMACISTS

Amicus Supporting Rehearing Petition

AMENDED ORDER

A majority of judges in regular active service and not disqualified having voted in a requested poll of the court to grant the petition for rehearing en banc,

IT IS ORDERED that rehearing en banc is granted.

Judges Wilkinson, Agee, Harris, and Quattlebaum were recused and did not participate in the poll.

The parties shall file 16 additional paper copies of their briefs and appendices previously filed in this case within 10 days.

This case shall be scheduled for oral argument at the next available court session.

For the Court

/s/ Nwamaka Anowi, Clerk