

McDONALD CARANO

2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

1 Pat Lundvall (NSBN 3761)
2 McDONALD CARANO LLP
3 2300 West Sahara Avenue, Suite 1200
4 Las Vegas, NV 89102
5 Telephone: (702) 873-4100
6 lundvall@mcdonaldcarano.com

7 Robert N. Weiner
8 Admitted *Pro Hac Vice*
9 Jeffrey L. Handwerker
10 Admitted *Pro Hac Vice*
11 R. Stanton Jones
12 Admitted *Pro Hac Vice*
13 ARNOLD & PORTER KAYE SCHOLER LLP
14 601 Massachusetts Avenue, NW
15 Washington, DC 20001
16 Telephone: (202) 942-5000
17 robert.weiner@apks.com
18 jeffrey.handwerker@apks.com
19 stanton.jones@apks.com

20 *Attorneys for Plaintiffs Pharmaceutical*
21 *Research and Manufacturers of America and*
22 *Biotechnology Innovation Organization*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

23 PHARMACEUTICAL RESEARCH AND
24 MANUFACTURERS OF AMERICA and
25 BIOTECHNOLOGY INNOVATION
26 ORGANIZATION,

27 Plaintiffs,

28 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.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

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

3 Dated: June 28, 2018.

4 /s/ Pat Lundvall

5 Pat Lundvall (NSBN 3761)
6 McDONALD CARANO LLP
7 2300 West Sahara Avenue, Suite 1200
8 Las Vegas, Nevada 89102
9 Telephone: (702) 873-4100
10 lundvall@mcdonaldcarano.com

11 Robert N. Weiner
12 Jeffrey L. Handwerker
13 R. Stanton Jones
14 ARNOLD & PORTER KAYE SCHOLER LLP
15 601 Massachusetts Avenue, NW
16 Washington, DC 20001
17 Telephone: (202) 942-5000

18 *Attorneys for Plaintiffs Pharmaceutical Research
19 and Manufacturers of America and
20 Biotechnology Innovation Organization*

21 **CERTIFICATE OF SERVICE**

22 I certify that I am an employee of McDonald Carano, and that on the 28th day of June, 2018,
23 a true and correct copy of the foregoing PLAINTIFFS' UNOPPOSED MOTION FOR
24 VOLUNTARY DISMISSAL WITHOUT PREJUDICE was electronically filed with the Clerk of
25 the Court by using CM/ECF service which will provide copies to all counsel of record registered to
26 receive CM/ECF notification.
27

28 /s/ Beau Nelson

An employee of McDonald Carano LLP

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

Proposed Order

McDONALD CARANO

2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

1 Pat Lundvall (NSBN 3761)
2 McDONALD CARANO LLP
3 2300 West Sahara Avenue, Suite 1200
4 Las Vegas, NV 89102
5 Telephone: (702) 873-4100
6 lundvall@mcdonaldcarano.com

7 Robert N. Weiner
8 Admitted *Pro Hac Vice*
9 Jeffrey L. Handwerker
10 Admitted *Pro Hac Vice*
11 R. Stanton Jones
12 Admitted *Pro Hac Vice*
13 ARNOLD & PORTER KAYE SCHOLER LLP
14 601 Massachusetts Avenue, NW
15 Washington, DC 20001
16 Telephone: (202) 942-5000
17 robert.weiner@apks.com
18 jeffrey.handwerker@apks.com
19 stanton.jones@apks.com

20 *Attorneys for Plaintiffs Pharmaceutical*
21 *Research and Manufacturers of America and*
22 *Biotechnology Innovation Organization*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

23 PHARMACEUTICAL RESEARCH AND
24 MANUFACTURERS OF AMERICA and
25 BIOTECHNOLOGY INNOVATION
26 ORGANIZATION,

27 Plaintiffs,

28 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

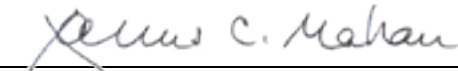
**ORDER GRANTING
PLAINTIFFS' UNOPPOSED MOTION
FOR VOLUNTARY DISMISSAL**

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

4 IT IS HEREBY ORDERED THAT:

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

8 It is SO ORDERED June 28, 2018.

9
10 
11 _____
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28