

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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NATIONAL ASSOCIATION  
OF CHAIN DRUG STORES,

and

NATIONAL COMMUNITY  
PHARMACISTS ASSOCIATION,

Plaintiffs,

v.

THE HONORABLE  
TOMMY G. THOMPSON,

and

THOMAS A. SCULLY,

Defendants.

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AMERICAN PHARMACEUTICAL  
ASSOCIATION

Intervenor

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Civil Action No. 01-1554 (PLF)

ORDER AND JUDGMENT

This case came before the Court on cross motions for summary judgment. The Court heard argument on January 29, 2003. For the reasons stated in open court, it is hereby

ORDERED that plaintiffs' motion for summary judgment [42] is GRANTED with respect to Count I of plaintiffs' amended complaint; it is

FURTHER ORDERED that plaintiffs' motion for summary judgment [42] is DENIED as moot with respect to Count II of plaintiffs' amended complaint; it is

FURTHER ORDERED that defendants' motion for summary judgment [47] is DENIED; it is

FURTHER ORDERED that judgment is entered for plaintiffs; it is

FURTHER ORDERED that defendants are permanently enjoined from implementing the Medicare-Endorsed Prescription Drug Card Assistance Initiative, published at 67 Fed. Reg. 56618 (Sept. 4, 2002); and it is

FURTHER ORDERED that this Order and Judgment shall constitute a FINAL JUDGMENT in this case. This is a final appealable order. See Rule 4(a), FED. R. APP. P.

SO ORDERED.

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PAUL L. FRIEDMAN  
United States District Judge

DATE: