

The Firm Obtains Dismissal Without Prejudice of IRPs' Complaint Against McKesson

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On May 25, the Firm obtained the dismissal of a complaint filed in December 2019 by Indirect Reseller Plaintiffs (“IRPs”), a putative class of retail pharmacies, against Simpson Thacher client McKesson and other drug distributors (“Distributor Defendants”). The complaint had alleged that the Distributor Defendants participated in an industry-wide, overarching conspiracy with the manufacturers by relaying messages and other information between the manufacturers. The Court adopted all of the Distributor Defendants’ principal arguments, agreeing that none of the allegations in the complaint plausibly suggested that McKesson or the other distributors joined in the manufacturer conspiracy.

This is the second decision dismissing McKesson from this multi-district litigation. McKesson was previously named as a defendant in 2018 by a hospital group, but Simpson Thacher successfully extracted McKesson from that litigation at an early stage, winning a motion to dismiss all claims on June 26, 2019.

The Simpson Thacher team includes Abram Ellis, Sara Razi, Joshua Hazan and Elizabeth French.

Team and Contacts

[Abram Ellis](#)

Partner

aellis@stblaw.com

+1-202-636-5579

[Joshua Hazan](#)

Associate

joshua.hazan@stblaw.com

+1-212-455-2683

[Sara Razi](#)

Partner

sara.razi@stblaw.com

+1-202-636-5582



