

No. 25-1641

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

AMGEN INC., IMMUNEX CORPORATION,
AMGEN MANUFACTURING, LIMITED,
Plaintiffs-Appellants,

v.

GAIL MIZNER, in her official capacity as Chair of the Colorado Prescription Drug Affordability Review Board, SAMI DIAB, in his official capacity as a member of the Colorado Prescription Drug Affordability Review Board, AMARYLIS GUTIERREZ, in her official capacity as a member of the Colorado Prescription Drug Affordability Review Board, CATHERINE HARSHBARGER, in her official capacity as a member of the Colorado Prescription Drug Affordability Review Board, JAMES JUSTIN VANDENBERG, in his official capacity as a member of the Colorado Prescription Drug Affordability Review Board, MICHAEL CONWAY, in his official capacity as Commissioner of the Colorado Division of Insurance, PHILIP WEISER, in his official capacity as Attorney General of the State of Colorado,
Defendants-Appellees.

On Appeal from the United States District Court for the District of Colorado, No. 1:24-cv-00810-NYW-SBP, Hon. Nina Y. Wang

JOINT STIPULATION TO VOLUNTARILY DISMISS APPEAL

Paul Alessio Mezzina
Counsel of Record
KING & SPALDING LLP
1700 Pennsylvania Avenue NW
Washington, DC 20006
(202) 737-0500
pmezzina@kslaw.com

Counsel for Appellants

Abby L. Chestnut
Senior Assistant Attorney General
Counsel of Record
COLORADO
DEPARTMENT OF LAW
1300 Broadway, 8th Floor
Denver, CO 80203
(720) 508-6353
Abby.Chestnut@coag.gov

Counsel for Appellees

(Additional counsel listed on inside cover)

Ashley C. Parrish
Alexander Kazam
Nicholas Meccas-Faxon
KING & SPALDING LLP
1700 Pennsylvania Avenue NW
Washington, DC 20006
(202) 737-0500

Counsel for Appellants

Philip J. Weiser
Attorney General
Heather Flannery
First Assistant Attorney General
Russell D. Johnson
Deputy Solicitor General
Pawan Nelson
Sara Stultz
Senior Assistant
Attorneys General
COLORADO
DEPARTMENT OF LAW
1300 Broadway, 8th Floor
Denver, CO 80203
(720) 508-6353

Counsel for Appellees

Pursuant to Rule 42(b)(1) of the Federal Rules of Appellate Procedure, Plaintiffs-Appellants (collectively, “Amgen”) and Defendants-Appellees hereby jointly stipulate to voluntarily dismiss the above-captioned appeal without prejudice.

The parties stipulate to dismissal of the appeal because since its filing, the circumstances of this litigation have materially changed. This appeal concerns whether Amgen had standing to challenge a Colorado law that would impose an “upper payment limit” on sales of its drug ENBREL® in a suit filed before the final adoption of a rule establishing such a limit. Since the filing of this appeal, the Colorado Prescription Drug Affordability Review Board has adopted a final rule establishing an upper payment limit for Enbrel, and Amgen has filed a new complaint in district court. *See Amgen Inc. v. Mizner*, D. Colo. No. 1:25-cv-3452-DDD-STV. The parties agree that the stipulated dismissal of this appeal is without prejudice to any party’s ability to raise any arguments in connection with that new action or in any other litigation.

Each party shall bear its own costs and fees in connection with this appeal.

Date: January 9, 2026

Respectfully submitted,

/s/Paul Alessio Mezzina

Ashley C. Parrish
Paul Alessio Mezzina
Counsel of Record
Alexander Kazam
Nicholas Meccas-Faxon
KING & SPALDING LLP
1700 Pennsylvania Avenue NW
Washington, DC 20006
(202) 737-0500
pmezzina@kslaw.com

Counsel for Appellants

/s/Abby L. Chestnut*

Philip J. Weiser
Attorney General
Heather Flannery
First Assistant Attorney General
Russell D. Johnson
Deputy Solicitor General
Abby L. Chestnut
Counsel of Record
Pawan Nelson
Sara Stultz
Senior Assistant Attorneys General
COLORADO
DEPARTMENT OF LAW
1300 Broadway, 8th Floor
Denver, CO 80203
(720) 508-6353
Abby.Chestnut@coag.gov

Counsel for Appellees

* Signed with consent pursuant to Federal Circuit Rule 32(g)(3)(B).