



KeyCite Blue Flag – Appeal Notification

Petition for Certiorari Docketed by UNITED STATES, EX REL. DEBORAH SHELDON v. ALLERGAN SALES, LLC, U.S., December 27, 2022

49 F.4th 873

United States Court of Appeals, Fourth Circuit.

UNITED STATES EX REL. Deborah SHELDON,  
Executrix of the Estate of Troy Sheldon, United  
States of America, ex rel., Plaintiff – Appellant,

v.

ALLERGAN SALES, LLC, Defendant – Appellee.  
United States of America; Taxpayers Against Fraud  
Education Fund, Amici Supporting Appellant,  
Washington Legal Foundation; Chamber of  
Commerce of the United States of America;  
Pharmaceutical Research and Manufacturers  
of America, Amici Supporting Appellee.

No. 20-2330

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Argued: September 15, 2022

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Decided: September 23, 2022

Appeal from the United States District Court for the District  
of Maryland, at Baltimore. Ellen Lipton Hollander, Senior  
District Judge. (1:14-cv-02535-ELH)

#### Attorneys and Law Firms

ARGUED: Joshua Yrion Dos Santos, UNITED STATES  
DEPARTMENT OF JUSTICE, Washington, D.C., for  
Amicus United States. Joseph M. Callow, Jr., KEATING,  
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Appellant. John Patrick Elwood, ARNOLD & PORTER  
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ON BRIEF: Gregory M. Utter, Paul R. Kerridge, Collin  
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STATES DEPARTMENT OF JUSTICE, Washington, D.C.;  
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Amicus United States. Jacklyn De Mar, TAXPAYERS  
AGAINST FRAUD EDUCATION FUND, Washington,  
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Against Fraud Education Fund. John M. Masslon II,  
Cory L. Andrews, WASHINGTON LEGAL FOUNDATION,  
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and Manufacturers of America. Tara S. Morrissey, Andrew  
R. Varcoe, UNITED STATES CHAMBER LITIGATION  
CENTER, Washington, D.C., for Amicus Chamber of  
Commerce of the United States of America. John C. O'Quinn,  
Matthew S. Owen, Matthew D. Rowen, Andrea R. Butler,  
KIRKLAND & ELLIS LLP, Washington, D.C., for Amici  
Pharmaceutical Research and Manufacturers of America and  
the Chamber of Commerce of the United States of America.

Before GREGORY, Chief Judge, WILKINSON,  
NIEMEYER, MOTZ, KING, AGEE, WYNN, DIAZ,  
THACKER, HARRIS, RICHARDSON, QUATTLEBAUM,  
RUSHING, and HEYTENS, Circuit Judges.

Affirmed by published per curiam order.

#### ON REHEARING EN BANC

PER CURIAM:

\*874 On rehearing en banc, the panel opinions in *United States ex rel. Sheldon v. Allergan Sales, LLC*, 24 F.4th 340 (4th Cir. 2022), are vacated, and the judgment of the district court is affirmed by an equally divided court.

*AFFIRMED*

**All Citations**

49 F.4th 873 (Mem)