

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

DAYTON AREA CHAMBER OF  
COMMERCE, *et al.*,

*Plaintiffs,*

v.

XAVIER BECERRA, *et al.*,

*Defendants.*

**No. 3:23-cv-00156-TMR-PBS**

**Judge Thomas M. Rose**

**Magistrate Judge Peter B. Silvain, Jr.**

**MOTION FOR A PRELIMINARY INJUNCTION**

As set forth in the accompanying memorandum in support of preliminary injunctive relief, the “Drug Price Negotiation Program” contained in the Inflation Reduction Act of 2022, 42 U.S.C. §§ 1320f *et seq.*, violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution. Plaintiffs move under Federal Rule of Civil Procedure 65 for an order preliminarily enjoining Defendants from implementing that unconstitutional program. For the Court’s convenience, Plaintiffs have submitted a proposed order granting their requested relief.

Plaintiffs request a ruling on this motion before October 1, 2023.

Pursuant to S.D. Ohio Civ. R. 65.1(a), an informal preliminary conference with all parties has been scheduled with the Court **on July 25, 2023 at 10:00 A.M. ET via telephone.**

Dated: July 12, 2023

Respectfully submitted,

**KING & SPALDING LLP**

/s/ Jeffrey S. Bucholtz

Jeffrey S. Bucholtz (*pro hac vice*)  
\*Trial Attorney  
Christine M. Carletta (*pro hac vice*)  
Alexander Kazam (*pro hac vice*)  
1700 Pennsylvania Avenue NW  
Washington, DC 20006  
(202) 737-0500  
jbucholtz@kslaw.com  
ccarletta@kslaw.com  
akazam@kslaw.com

Gregory A. Ruehlmann (No. 0093071)  
1180 Peachtree Street NE  
Suite 1600  
Atlanta, GA 30309  
(404) 572-4600  
gruehlmann@kslaw.com

*Attorneys for Plaintiffs Dayton Area Chamber of  
Commerce, Ohio Chamber of Commerce, Michigan  
Chamber of Commerce, and Chamber of Commerce  
of the United States*

**PORTER WRIGHT MORRIS & ARTHUR LLP**

/s/ Tami Hart Kirby

Tami H. Kirby (No. 0078473)  
Emma M. Walton (No. 0100024)  
One South Main Street, Suite 1600  
Dayton, OH 45402  
Tel. (937) 449-6721  
Fax (937) 449-6820  
tkirby@porterwright.com

**U.S. CHAMBER LITIGATION CENTER**

Andrew R. Varcoe (*pro hac vice*)  
Jennifer B. Dickey (*pro hac vice*)  
1615 H Street NW  
Washington, DC 20062  
(202) 463-5337

*Attorneys for Plaintiff Chamber of Commerce of the  
United States of America*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2023, and in accordance with S.D. Ohio Civ. R. 65.1(b)(1), a true and correct copy of the foregoing Motion for Preliminary Injunction was electronically filed with the Clerk of Court using the CM/ECF system which will send notification to all counsel of record.

/s/ Tami Hart Kirby

Tami H. Kirby (No. 0078473)