UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NOVO NORDISK INC., Plaintiff, v. MEDIOAK PHARMACY LLC, Defendant.	Case No. 4:24-cv-2032

COMPLAINT

Plaintiff Novo Nordisk Inc. ("Plaintiff" or "Novo Nordisk"), by and through its attorneys, Bowman and Brooke LLP and Covington & Burling LLP, files this Complaint against Defendant MediOAK Pharmacy LLC ("Defendant" or "MediOAK") to enjoin Defendant from its unlawful, false, and misleading business practice of marketing and selling misbranded injectable, non-FDA approved drugs that claim to contain semaglutide, which pose potential significant risks to patient health. Novo Nordisk does not seek through this lawsuit money damages arising from Defendant's past practice of selling these misbranded drugs, but only to prevent Defendant from continuing this practice, which puts patients at potential risk, and alleges the following:

I. FACTUAL ALLEGATIONS

A. Novo Nordisk Is the Only Company in the U.S. with FDA-Approved Drugs Containing Semaglutide

1. Novo Nordisk is a healthcare company with a 100-year history of innovation in developing medicines to treat serious chronic diseases like diabetes and obesity.

2. The development of semaglutide is an example of this commitment to innovation for people living with chronic diseases. Semaglutide is the foundational molecule which serves as the primary ingredient for Novo Nordisk's three prescription-only medicines approved by the Food and Drug Administration ("FDA"):

- Wegovy® (semaglutide) injection 2.4 mg, for chronic weight management;
- Ozempic® (semaglutide) injection 0.5 mg, 1 mg, or 2 mg, for adults with type 2 diabetes; and
- Rybelsus® (semaglutide) tablets 7 mg or 14 mg, for adults with type 2 diabetes.

3. Wegovy® is an injectable medication indicated to reduce excess body weight and maintain weight reduction long-term in adults and children aged ≥ 12 years with obesity, and some adults that are overweight with weight-related medical problems, along with a reduced calorie diet and increased physical activity. Wegovy® is also indicated, with a reduced calorie diet and increased physical activity, to reduce the risk of major adverse cardiovascular events such as cardiovascular death, heart attack, or stroke in adults with known heart disease and with either obesity or overweight.

4. Ozempic® is an injectable medication and Rybelsus® is an oral medicine that are indicated for adults with type 2 diabetes to improve blood sugar (glucose), along with diet and exercise. Ozempic® also lowers the risk of major cardiovascular events such as stroke, heart attack or death in adults with type 2 diabetes and known heart disease.

5. Each of Wegovy®, Ozempic®, and Rybelsus® has a unique safety and efficacy profile which is detailed in its respective product label.

6. Wegovy®, Ozempic®, and Rybelsus® are prescription-only medicines that should only be prescribed in direct consultation with, and under the supervision of, a licensed healthcare professional.

7. Wegovy®, Ozempic®, and Rybelsus® have been extensively studied in clinical trials and are FDA-approved for the treatment of patients with serious chronic diseases.

8. Novo Nordisk is the only company in the U.S. with FDA-approved products containing semaglutide. FDA has not approved any generic versions of semaglutide.

9. Novo Nordisk does not sell its semaglutide active pharmaceutical ingredient ("API") to Defendants or any other compounding pharmacies for the purpose of compounding semaglutide products.

B. Unnecessary Use of Compounded Drugs Claiming to Contain "Semaglutide" Exposes Patients to Potentially Serious Health Risks

10. According to FDA, "compounded drugs are not FDA-approved," and "the agency does not review compounded versions of these drugs for safety, effectiveness, or quality."[1] Compounded drugs "do not have the same safety, quality, and effectiveness assurances as approved drugs."[2] The Agency has also warned that "[u]nnecessary use of compounded drugs unnecessarily exposes patients to potentially serious health risks" and that "poor compounding practices can result in serious drug quality problems, such as contamination or a drug that contains too much active ingredient . . . [which] can lead to serious patient injury and death."[3]

11. Regulatory agencies in the United States and throughout the world have warned the public that taking unapproved compounded or counterfeit products that claim to contain semaglutide can endanger patients. FDA has publicly warned that "illegally marketed semaglutide" "could contain the wrong ingredients, contain too little, too much or no active ingredient at all, or contain other harmful ingredients," and it has warned that "[p]atients should not use a compounded drug if an approved drug is available to treat a patient."[4] FDA recently

[1] FDA, *Medications Containing Semaglutide Marketed for Type 2 Diabetes or Weight Loss* (last updated Jan. 10, 2024), https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/medications-containing-semaglutide-marketed-type-2-diabetes-or-weight-loss.

[2] FDA, *Compounding and the FDA: Questions and Answers* (last updated June 29, 2022), https://www.fda.gov/drugs/human-drug-compounding/compounding-and-fda-questions-and-answers.

[3] *Id.*

[4] FDA, *Medications Containing Semaglutide Marketed for Type 2 Diabetes or Weight Loss* (last updated Jan. 10, 2024), https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/medications-containing-semaglutide-marketed-type-2-diabetes-or-weight-loss.

warned two online entities that unapproved drugs purportedly containing semaglutide "may be contaminated, counterfeit, contain varying amounts of active ingredients, or contain different ingredients altogether."[5]

12. At least nine state regulators have also issued statements concerning compounding of products that claim to contain semaglutide.[6] For instance, the Alabama Board of Medical Examiners has cautioned that semaglutide products other than those manufactured by Novo Nordisk "may be contaminated, improperly stored and transported, or adulterated."[7] The

[5] FDA, *Warning Letter to www.gorillahealing.com* (Oct. 2, 2023), https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/wwwgorillahealingcom-664245-10022023; FDA, *Warning Letter to* www.semaspace.com (Oct. 2, 2023), https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/wwwsemaspacecom-665848-10022023.

[6] *See* N.J. Bd. Pharmacy, *Statement Concerning Semaglutide Compounding* (Nov. 6, 2023), https://www.njconsumeraffairs.gov/phar/Documents/Semaglutide-Compounding-Statement-04282023.pdf; N.C. Bd. Pharmacy, *Statement Concerning Semaglutide Compounding* (Apr. 2023), http://www.ncbop.org/PDF/SemaglutideCompounding.pdf; Miss. Bd. Pharmacy, *Compounded Products Due to Shortage or Due to Special Patient Needs*, https://www.mbp.ms.gov/sites/default/files/inline-images/Semaglutide.compoundguidance%20%28002%29.pdf;; Ky. Bd. Pharmacy, Newsletter (June 2023), https://pharmacy.ky.gov/2023%20Newsletters/June%202023.pdf; W. Va. Bd. Pharmacy, *Statement Concerning Semaglutide Compounding* (Apr. 2023), https://www.wvbop.com/admin/attachment/FINALSemaglutideCompoundingStatement21APR2023WVBoPdatedFV.pdf; Meg Farris, *Low-cost weight loss drug banned in La.*, 4WWL (Apr. 27, 2023), https://www.wwltv.com/article/news/health/weight-loss-wednesday/low-cost-weight-loss-drug-banned/289-d2608b63-f8c2-4eb4-9982-0530331d50ea (reflecting ban by Louisiana Board of Pharmacy); Ala. Bd. Med. Exam'rs & Med. Licensure Comm'n, *Concerns with Semaglutide and Other GLP-1 Receptor Agonists*, https://www.albme.gov/press-release/concerns-with-semaglutide-and-other-glp-1-receptor-agonists; *Id.* ("The Alabama Board of Pharmacy has notified all licensed pharmacists and pharmacies that even when compounding of a semaglutide drug product is allowable under the Food, Drug, and Cosmetic Act, the use of semaglutide salts, the use of any non-pharmaceutical grade active pharmaceutical ingredient (API), or one not produced by an FDA-registered establishment, is prohibited."); Miss. State Bd. Med. Licensure, *Guidance Regarding Semaglutide-Based Medications From the Mississippi State Board of Medical Licensure* (Aug. 29, 2023), https://www.msbml.ms.gov/sites/default/files/news/Semaglutide%20Guidance%2008-29-23.pdf.

[7] Ala. Bd. Med. Exam'rs & Med. Licensure Comm'n, *Concerns with Semaglutide and Other GLP-1 Receptor Agonists*, https://www.albme.gov/press-release/concerns-with-semaglutide-and-other-glp-1-receptor-agonists.

Executive Director of the Mississippi Board of Pharmacy advised the Mississippi State Board of Medical Licensure that "substitute ingredients," manufactured in foreign jurisdictions "have not been proven to be legitimate, effective, or manufactured under sanitary conditions."[8] The Mississippi State Board of Examiners "strongly advise[d] medical licensees to refrain from prescribing, dispensing, or administering compounded semaglutide until further notice," because such drugs are "unproven and potentially unsafe."[9]

13. Earlier this year, the Obesity Action Coalition, the Obesity Society, and the Obesity Medicine Association released a "Statement to Patients on Compounded GLP-1 Alternatives" that concludes: "[W]e do not recommend the use of these alternatives. If you use these compounded alternatives, you may not be getting what you hoped for. You may also get something you did not want (other active substances have been found in some compounded versions)."[10] And the Australian government recently moved to ban compounding pharmacies in Australia from making GLP-1s like semaglutide based on the safety concerns.[11]

C. Erroneously Manufactured Compounded Drugs Have Historically Endangered Patient Health and Safety

14. The danger is not merely theoretical, as manufacturing and distribution of improperly formulated compounded drugs have endangered or adversely impacted public health.

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[8] Miss. State Bd. Med. Licensure, *Guidance Regarding Semaglutide-Based Medications From the Mississippi State Board of Medical Licensure*, 2 n.4 (Aug. 29, 2023), https://www.msbml.ms.gov/sites/default/files/news/Semaglutide%20Guidance%2008-29-23.pdf.

[9] *Id.* at 1–2.

[10] Obesity Action Coal. et al., *Leading Obesity Expert Organizations Release Statement to Patients on Compounded GLP-1 Alternatives*, Obesity Med. Assoc'n (Jan. 8, 2024), https://obesitymedicine.org/blog/leading-obesity-expert-organizations-release-statement-to-patients-on-glp-1-compounded-alternatives/

[11] Ministers Department of Health and Aged Care, *Protecting Australians from Unsafe Compounding of Replica Weight Loss Products* (May 22, 2024), https://www.health.gov.au/ministers/the-hon-mark-butler-mp/media/protecting-australians-from-unsafe-compounding-of-replica-weight-loss-products?language=en.

There is a long history of U.S. illnesses and deaths associated with erroneously compounded drugs distributed to patients in various states, including Texas.[12]

15. One of the most significant outbreaks was the New England Compounding Center crisis. In 2012, nearly 800 patients in 20 states were diagnosed with a fungal infection after receiving injections of an unapproved preservative-free methylprednisolone acetate drug manufactured in Massachusetts.[13] The U.S. Centers for Disease Control and Prevention reported that 64 patients in nine states died.[14] As FDA has stated, the 2012 fungal meningitis outbreak "was the most serious in a long history of serious adverse events associated with contaminated, super-potent, mislabeled, or otherwise poor quality compounded drugs," and "many serious adverse events linked to poor quality compounded drugs, including outbreaks of infections and deaths have occurred since then."[15]

16. In the years since the New England Compounding Center crisis, FDA has issued "compounding risk alerts to inform health care professionals, compounders and consumers about risks associated with compounded drugs, including information on adverse events, outbreaks or product quality."[16] These alerts have warned about compounded drugs that did not contain the

[12] Pew Charitable Trusts, *U.S. Illnesses and Deaths Associated with Compounded or Repackaged Medications 2001-19* (Mar. 2, 2020), https://www.pewtrusts.org/en/research-and-analysis/data-visualizations/2020/us-illnesses-and-deaths-associated-with-compounded-or-repackaged-medications-2001-19.

[13] DOJ, *New England Compounding Center Pharmacist Sentenced for Role in Nationwide Fungal Meningitis Outbreak* (Jan. 31, 2019), https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/press-releases/january-31-2018-new-england-compounding-center-pharmacist-sentenced-role-nationwide-fungal.

[14] *Id.*

[15] FDA, *Compounding and the FDA: Questions and Answers* (last updated June 29, 2022), https://www.fda.gov/drugs/human-drug-compounding/compounding-and-fda-questions-and-answers.

[16] FDA, *Compounding Risk Alerts* (last updated Oct. 10, 2023), https://www.fda.gov/drugs/human-drug-compounding/compounding-risk-alerts.

active ingredient listed on the label of the product[17] and the variability in dosages of the active ingredients in compounded drug products intended for oral and sublingual administration.[18] FDA believes that these issues make it "challenging to predict which potential risks may be associated with these products," and place patients "at risk for serious adverse events, misuse, and abuse."[19]

17. Additionally, there have been notable public health incidents involving compounded drugs affecting Texas patients and/or originating from Texas compounding pharmacies. One significant example occurred in 2017, where a compounding pharmacy in Dallas, Texas, compounded eye injections found to contain poloxamer 407, which is not used in any FDA-approved product intended for intravitreal injection.[20] Another Texas compounding pharmacy was found to have shipped a contaminated injectable magnesium sulfate solution nationally, resulting in a multistate outbreak of *Serratia marcescens* bloodstream infections.[21] In 2007, another Texas compounding pharmacy shipped misbranded colchicine injectable solutions, ranging from 640 percent to just 62 percent of the labeled strength, leading to the death of three

[17] FDA, *FDA investigates two adverse events associated with United Pharmacy's compounded glutamine, arginine, and carnitine product for injection* (last updated June 21, 2018), https://www.fda.gov/drugs/human-drug-compounding/fda-investigates-two-adverse-events-associated-united-pharmacys-compounded-glutamine-arginine-and.

[18] FDA, *FDA warns patients and health care providers about potential risks associated with compounded ketamine products, including oral formulations, for the treatment of psychiatric disorders* (last updated Oct. 10, 2023), https://www.fda.gov/drugs/human-drug-compounding/fda-warns-patients-and-health-care-providers-about-potential-risks-associated-compounded-ketamine.

[19] *Id.*

[20] FDA, *FDA's investigation into Guardian's compounded triamcinolone-moxifloxacin drug product* (last updated July 5, 2018), https://www.fda.gov/drugs/human-drug-compounding/fdas-investigation-guardians-compounded-triamcinolone-moxifloxacin-drug-product.

[21] R. Sunenshine et al., *A Multistate Outbreak of* Serratia marcescens *Bloodstream Infection Associated With Contaminated Intravenous Magnesium Sulfate From a Compounding Pharmacy*, *Clinical Infectious Diseases* (2007), https://pubmed.ncbi.nlm.nih.gov/17682984/.

patients.[22]

D. Patients Have Already Reported Adverse Events After Taking Compounded Drugs Claiming to Contain "Semaglutide"

18. FDA has reported that it has "received an increased number of adverse event reports and complaints concerning" compounded drugs claiming to contain semaglutide and has reminded patients and health care professionals that the "agency does not review compounded versions of these drugs for safety, effectiveness, or quality."[23]

19. Despite the historic underreporting of adverse events caused by compounded drugs, according to FDA's Adverse Event Reporting System, there have been 442 cases of adverse events associated with compounded products that claim to contain semaglutide, as of March 31, 2024. Approximately 72 percent (319) of those cases have been classified as "serious" adverse events, approximately 22 percent of those cases (99) have resulted in hospitalization, and seven of those cases involved patient deaths. Several cases listed in the database claim that the compounded product was ineffective or had product quality issues.

E. Defendant's Activities Violate Texas Laws Against Unfair Competition By Selling Misbranded Drugs

20. Defendant violates Texas's unfair competition law by selling Defendant's misbranded "semaglutide" products.

21. A defendant violates Texas's law prohibiting unfair competition through (1) an

[22] DOJ, *Dallas Compounding Pharmacy Owner Pleads Guilty in Connection with Misbranded Drug Shipment* (Apr. 24, 2012), https://www.justice.gov/opa/pr/dallas-compounding-pharmacy-owner-pleads-guilty-connection-misbranded-drug-shipment.

[23] Letter from F. Gail Bormel, Director, CDER Off. Compounding Quality & Compliance, to Lemrey Carter, Exec. Dir./Sec'y, Nat'l Ass'n Bds. Pharmacy (Oct. 10, 2023), *available at* https://www.fda.gov/media/173456/download?attachment; FDA, *Medications Containing Semaglutide Marketed for Type 2 Diabetes or Weight Loss* (last updated Jan. 10, 2024), https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/medications-containing-semaglutide-marketed-type-2-diabetes-or-weight-loss.

illegal act by defendant that (2) interfered with the plaintiff's ability to conduct its business. *W. Rsrv. Medtec Servs., LLC v. Stryker Corp.*, No. 4:18-CV-2604, 2019 WL 13191641, at *8 (S.D. Tex. May 13, 2019); *Taylor Pub. Co. v. Jostens, Inc.*, 216 F.3d 465, 486 (5th Cir. 2000).

22. The Texas Food, Drug, and Cosmetic Act, among other things, prohibits compounding pharmacies in Texas from introducing into commerce any compounded drug that is misbranded. Tex. Health & Safety Code Ann. § 431.021(a).

23. Texas's misbranded drug provisions are designed to ensure that Texans are treated with safe and effective medicines. Under Texas law, a drug is misbranded under state law if, among other things, "its labeling is false or misleading in any particular." Tex. Health & Safety Code Ann. § 431.112(a)(1).

24. Testing performed on Defendant's drug on Novo Nordisk's behalf has revealed that the strength is substantially below their labeled strength.

25. Defendant markets and sells to patients certain non-FDA approved compounded drugs that claim to contain "2.4MG/0.75 ML" of "semaglutide."

26. However, testing of Defendant's compounded drugs performed on Novo Nordisk's behalf has revealed that Defendant's drug product is misbranded because its "semaglutide" content is calculated at 1.91 mg/0.75 mL, which is at least 20 percent less than its labeled strength.

27. Thus, Defendant's drugs are at least 20 percent lower in strength than labeled.

28. Upon information and belief, Defendant's drugs are less effective than they purport to be.

F. Plaintiff Has Been Injured by Defendant's Unlawful, Deceptive, and Unfair Competition

29. Novo Nordisk is the only company in the United States with FDA-approved products containing semaglutide.

30. Defendant sells their misbranded drugs to customers in Texas. As a result of Defendant's unlawful, deceptive, and unfair competition, which jeopardizes public health, Defendant has interfered with Novo Nordisk's ability to conduct its business. Specifically, as a result of Defendant's unlawful conduct, Novo Nordisk has and will continue to suffer harm to its goodwill and reputation. Additionally, absent Defendant's unlawful and unfair actions, sales made by Defendants would and will have been made by Novo Nordisk; thus, Novo Nordisk has and will suffer harm in the form of lost sales and customers as a direct result of Defendant's unlawful acts. Novo Nordisk does not seek through this lawsuit money damages arising from Defendant's past practice of selling these unlawful drugs, but only to prevent Defendant from continuing this practice, which potentially puts patients at risk.

G. Plaintiff Seeks to Enjoin Defendants From Their Unlawful Practices

31. Novo Nordisk brings this action under Texas unfair competition law to stop Defendant from unlawfully marketing, selling, and distributing its misbranded drugs. Novo Nordisk seeks a declaration that Defendant's business practice violates Texas unfair competition law and entry of a preliminary and permanent injunction prohibiting Defendants from committing such violations. Novo Nordisk also seeks attorney's fees and court costs but does not seek monetary damages from Defendant's past violations of Texas unfair competition law.

II. THE PARTIES

32. Novo Nordisk is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business in New Jersey.

33. Novo Nordisk promotes, offers, and/or sells FDA-approved semaglutide-based products—Wegovy®, Ozempic®, and Rybelsus®—throughout the United States. Novo Nordisk is the only company in the U.S. with FDA-approved products containing semaglutide. FDA has not approved any generic versions of semaglutide. Novo Nordisk does not sell its semaglutide active

pharmaceutical ingredient ("API") to Defendants or any other compounding pharmacies for the purpose of compounding approved semaglutide products.

34. Novo Nordisk and/or its parents and affiliates have invested significant time and resources to research, develop, manufacture, and test Wegovy®, Ozempic®, and Rybelsus® in order to obtain regulatory approval from FDA to market these drugs.

35. MediOAK is a limited liability company organized and existing under the laws of Texas, with its principal place of business at 3129 Highway 6, Sugar Land, Texas 77478. Upon information and belief, MediOAK has one member, Otibhor Onosode, an individual who resides in Sugarland, Texas, and is a citizen of Texas.

36. Defendant manufactures its drug in this judicial district and sells them in this judicial district and throughout Texas.

III. JURISDICTION AND VENUE

37. This Court has subject matter jurisdiction under 28 U.S.C. § 1332. The parties are citizens of different States, and the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs.

38. This Court has personal jurisdiction over Defendant. Defendant's principal place of business is located in this District, Defendant manufactures its drugs in this District, and, upon information and belief, Defendant ships those misbranded drugs throughout Texas. Plaintiff's claims arise out of or relate to Defendant's activities in this District.

39. Venue in this District is proper under 28 U.S.C. § 1391(b).

IV. FIRST CAUSE OF ACTION

(Violation of Texas Unfair Competition Law)

40. Plaintiff realleges and incorporates by reference each and every allegation set forth in paragraphs 1–39, above, as if fully stated herein.

41. Defendant has engaged in unfair competition through its violation of Texas's Food, Drug, and Cosmetic Act, Tex. Health & Safety Code Ann. §§ 431.021(a), (b), 431.112(a)(1), by selling their misbranded drugs, constituting an illegal act.

42. Defendant's violation of Texas law of selling misbranded "semaglutide" product has interfered with Plaintiff's ability to conduct its business, by allowing Defendants to compete unfairly with Novo Nordisk.

43. Defendant's violation of Texas law has and will continue to interfere with Plaintiff's ability to conduct its business because it has and will continue to harm Plaintiff's goodwill and reputation and has caused Plaintiff to lose sales and customers.

44. Plaintiff seeks a declaration that Defendant's business practice constitutes unfair competition by marketing, distributing, and selling misbranded semaglutide. Plaintiff also seeks an injunction prohibiting Defendant from committing such violations.

45. Plaintiff also seeks attorney's fees and court costs pursuant to Tex. Civ. Prac. & Rem. Code § 37.009.

V. CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment against Defendant as follows:

1. A permanent injunction enjoining Defendant from continuing the unlawful and unfair business practices alleged in this complaint, which injunction has a value in excess of $75,000 for purposes of jurisdiction;
2. A judgment that Defendant has violated Texas unfair competition law;
3. Declaratory relief;
4. Attorney's fees and costs incurred in this action; and
5. Any further relief the Court may deem just and proper.

Dated: May 30, 2024

Respectfully submitted,

BOWMAN AND BROOKE LLP

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JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Novo Nordisk Inc.

(b) County of Residence of First Listed Plaintiff Middlesex County, NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Randall L. Christian & Jonathan L. Smith of Bowman and Brooke LLP, 2901 Via Fortuna Dr., Ste. 500, Austin, Texas 78746; (512) 874-3800; See addendum

DEFENDANTS

MediOAK Pharmacy LLC

County of Residence of First Listed Defendant Fort Bend County, TX
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☒ 2	Incorporated *and* Principal Place of Business In Another State	☒ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☒ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 U.S.C. § 1332

Brief description of cause:
Violation of Texas unfair competition law

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $ injunction

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 5/30/2024

SIGNATURE OF ATTORNEY OF RECORD /s/ Randall L. Christian

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NOVO NORDISK INC., Plaintiff, v. MEDIOAK PHARMACY LLC, Defendant.	Case No. 4:24-cv-2032

ADDENDUM TO JS-44: ATTORNEY OF RECORD
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