

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-11-00408-CV**

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**Thomas Suehs, in his Official Capacity as Executive Director of the  
Texas Health and Human Services Commission, Appellant**

**v.**

**Alpharma USPD, now known as Actavis Mid Atlantic LLC and  
Purepac Pharmaceutical Co., now known as Actavis Elizabeth LLC, Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 353RD JUDICIAL DISTRICT  
NO. D-1-GN-11-001082, HONORABLE SCOTT H. JENKINS, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

This appeal was abated on December 30, 2011, pending consummation of settlement. The parties have filed an agreed motion to set aside the temporary injunction without regard to the merits and remand the case to the trial court for dismissal with prejudice in accordance with their settlement agreement. *See* Tex. R. App. P. 42.1(a)(2)(B). Accordingly, we reinstate this appeal and grant the parties' agreed motion. Without regard to the merits, we vacate the temporary injunction and remand the case to the trial court.

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Melissa Goodwin, Justice

Before Justices Puryear, Henson and Goodwin

Vacated and Remanded

Filed: March 28, 2012