

ON REHEARING EN BANC

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-2330

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.

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)

Argued: September 15, 2022

Decided: September 23, 2022

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.

ARGUED: Joshua Yrion Dos Santos, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Amicus United States. Joseph M. Callow, Jr., KEATING, MUETHING & KLEKAMP, PLL, Cincinnati, Ohio, for Appellant. John Patrick Elwood, ARNOLD & PORTER KAYE SCHOLER LLP, Washington, D.C., for Appellee. **ON BRIEF:** Gregory M. Utter, Paul R. Kerridge, Collin L. Ryan, KEATING MUETHING & KLEKAMP PLL, Cincinnati, Ohio; Joel D. Hesch, THE HESCH FIRM, LLC, Lynchburg, Virginia, for Appellant. Michael A. Rogoff, Paula R. Ramer, New York, New York, Jeffrey L. Handwerker, Christian D. Sheehan, ARNOLD & PORTER KAYE SCHOLER LLP, Washington, D.C., for Appellee. Brian M. Boynton, Acting Assistant Attorney General, Michael S. Raab, Charles W. Scarborough, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; Erek L. Barron, United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Amicus United States. Jacklyn De Mar, TAXPAYERS AGAINST FRAUD EDUCATION FUND, Washington, D.C.; John W. Black, Samuel J. Buffone, Jr., BLACK & BUFFONE PLLC, Washington, D.C., for Amicus Taxpayers Against Fraud Education Fund. John M. Masslon II, Cory L. Andrews, WASHINGTON LEGAL FOUNDATION, Washington, D.C., for Amicus Washington Legal Foundation. James C. Stansel, Melissa B. Kimmel, PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA, Washington, D.C., for Amicus Pharmaceutical Research 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.

PER CURIAM:

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