

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**UNITED PAIN CARE, LTD.,
d/b/a United Pharmacy**

PLAINTIFF

v.

CASE NO. 4:13CV00029 BSM

CARDINAL HEALTH 110, INC. et al.

DEFENDANTS

ORDER

Plaintiff United Pain Care's ("United") request for a temporary restraining order is denied and United is directed to serve defendants Cardinal Health 100, Inc. and Cardinal Health 411, Inc. (hereinafter collectively referred to as "Cardinal") with the complaint and a copy of this order. A hearing will be conducted on United's request for temporary injunction on January 30, 2013, at 2:00 p.m., in the Richard Sheppard Arnold United States Courthouse in courtroom 2D. The parties are requested to bring live witnesses.

"[W]hether a preliminary injunction should issue involves consideration of (1) the threat of irreparable harm to the movant; (2) the state of balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest." *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981). "In balancing the equities, no single factor is determinative." *Id.* at 114. "At base, the question is whether the balance of equities so favors the movant that justice requires the court to intervene to preserve the status quo until the merits are determined." *Id.*

United alleges that Cardinal ceased shipping controlled prescription medication to

United for use in its pharmacy and suspended the distribution agreement between the parties. Complaint (“Compl.”) [Doc. No. 1] at 3-6. After Cardinal conducted an audit of United’s pharmacy, Cardinal determined that United’s prescription sales were above normal for United’s size and location, and therefore, Cardinal suspended its agreement. United filed the present request asking that Cardinal be required to resume its shipments to United as provided by the parties’ distribution agreement. Compl. at 8-13.

United’s request for a temporary restraining order is denied because, without hearing testimony from the parties and reviewing the documents, it is impossible to determine that United will suffer irreparable harm and that United is likely to succeed on the merits.

IT IS SO ORDERED this 18th day of January 2013.


UNITED STATES DISTRICT JUDGE