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6 Attorneys for Plaintiff  
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8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
 12 Plaintiff,

13 v.

14 SUWONNEE PONGNORSING; AND  
 WESTSIDE PLAZA PHARMACY aka WEST  
 15 MODESTO PHARMACY,

16 Defendants and Judgment Debtors.

17 ARCADIAN HEALTH PLAN,  
 (and its Successors and Assignees),

18 Garnishee.  
 19

CASE NO. 2:17-MC-00065-MCE-CKD

**STIPULATION ADDING HUMANA  
 PHARMACY SOLUTIONS, INC. AS  
 GARNISHEE AND DROPPING  
 GARNISHEE ARCADIAN HEALTH PLAN;  
 AND ORDER**

[No hearing requested]

20 Counsel for plaintiff United States and counsel for garnishee Arcadian Health Plan (Arcadian)  
 21 and proposed garnishee Humana Pharmacy Solutions, Inc. (the Stipulating Entities) hereby stipulate as  
 22 follows:

23 1. Garnishee Arcadian filed its Acknowledgement of Service and Answer (the Answer) to  
 24 the United States’ writ of garnishment on May 15, 2017. ECF No. 8. Arcadian disclosed in its Answer  
 25 that it utilizes Humana Pharmacy Solutions, Inc. as Arcadian’s pharmacy benefits manager (PBM) to  
 26 negotiate and contract prescription reimbursement rates with retail pharmacies such as defendants  
 27 Westside Plaza Pharmacy aka West Modesto Pharmacy. *Id.*, at paragraphs 1 – 3. As Arcadian’s PBM,  
 28 Humana Pharmacy Solutions, Inc. is authorized to, and responsible for contracting, processing, and

1 paying the defendant pharmacies for pharmacy and drug services Defendants provide to Arcadian’s  
2 enrollees and members. *Id.*, at paragraph 3.

3 2. Arcadian does not hold any property in which the Defendants maintain an interest subject  
4 to this writ because it uses Humana Pharmacy Solutions, Inc. as its PBM. *Id.*, at paragraph 6. Humana  
5 Pharmacy Solutions, Inc. reimburses Defendants for the prescription drug claims Defendants submit for  
6 reimbursement. Accordingly, Humana Pharmacy Solutions, Inc. is the proper garnishee in this case.  
7 *Id.*, at paragraph 4.

8 3. Humana Pharmacy Solutions, Inc. filed an Answer to the United States’ writ of  
9 garnishment on May 15, 2017. ECF No. 9. Its Answer states it is holding property (prescription drug  
10 reimbursement payments) in which the Defendants maintain an interest subject to this garnishment  
11 action. *Id.*, at paragraph 6. Humana Pharmacy Solutions, Inc.’s Answer further states it anticipates  
12 owing Defendants drug reimbursement payments in the future. *Id.*, at paragraph 7.

13 4. Based on the foregoing, the Stipulating Entities agree that the Court can and should enter  
14 an order adding Humana Pharmacy Solutions, Inc. as the garnishee and dropping Arcadian as the  
15 original garnishee. The Court may add or drop a party in the case “at any time, on just terms.” Fed. R.  
16 Civ. P. Rule 21. Granting the requested relief will ensure that the Court can issue an effective decree  
17 should it grant the United States’ application for a final order of garnishment directing the payment of  
18 funds Humana Pharmacy Solutions, Inc. is currently withholding. The requested order will not  
19 prejudice Defendants; they are already aware that the United States seeks to garnish drug  
20 reimbursements Defendants transmitted on behalf of patients enrolled in Arcadian’s medical insurance  
21 program. ECF No. 7. ECF filing No. 7 includes a notice and instructions to Defendants concerning  
22 their rights to oppose this proceeding, as well as the opportunity to object to the Answers filed in this

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1 case and request a hearing thereon. Accordingly, the Stipulating Entities request that the Court enter an  
2 order as follows:

- 3 A. Adding Humana Pharmacy Solutions, Inc. as the garnishee in this case; and
- 4 B. Dropping Arcadian Health Plan as the garnishee in this case.

5 Respectfully submitted,

6 FOR THE UNITED STATES:

7 PHILLIP A. TALBERT  
8 United States Attorney

9 Dated: June 5, 2017

By: /s/ Kurt A. Didier

10 KURT A. DIDIER  
11 Assistant United States Attorney

12 FOR GARNISHEE ARCADIAN HEALTH PLAN  
13 AND HUMANA PHARMACY SOLUTIONS, INC.:

14 Dated: June 5, 2017

By: 

15 ALEXANDER L. NOWINSKI  
16 DAPONDE, SZABO, ROWE

1 **ORDER**

2 The Court, having reviewed the court files and the Stipulation Adding Humana Pharmacy  
3 Solutions, Inc. as Garnishee and Dropping Garnishee Arcadian Health Plan (the “Stipulation”), and good  
4 cause appearing therefrom, hereby APPROVES the Stipulation. Accordingly, IT IS ORDERED that:

5 1. Humana Pharmacy Solutions, Inc. is ADDED as garnishee in this case.

6 2. Arcadian Health Plan is DROPPED as garnishee in this case.

7 3. All future filings in this case shall IDENTIFY Humana Pharmacy Solutions, Inc. as the  
8 sole garnishee.

9 4. The Defendants and the United States’ time to OBJECT to the Answers filed in this case  
10 is as stated in 28 U.S.C. § 3205(c)(5).

11 IT IS SO ORDERED.

12 Dated: June 16, 2017

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14 MORRISON C. ENGLAND, JR.  
15 UNITED STATES DISTRICT JUDGE  
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