

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

IMS Health Incorporated, et al.

v.

Case No. 06-cv-280-PB

Kelly Ayotte, as Attorney General
of the State of New Hampshire

O R D E R

The parties agree that the Supreme Court's recent decision in [Sorrell v. IMS Health, Inc.](#), 131 S.Ct. 2653 (2011) requires "invalidation of N.H. Rev. Stat. Ann. §§ 318:47-F and 318-B:12 to the extent that they prohibit the transfer, use, sale, or licensing of prescriber-identifiable data." Accordingly, they have asked me to reinstate the court's May 7, 2007 judgment for the plaintiffs.

I have reviewed [Sorrell](#) and agree that it requires the invalidation of the above-referenced statutes because they improperly restrict speech protected by the First Amendment. In reaching this conclusion, I rely on the reasoning of my April 30, 2007 Memorandum and Order (Doc. No. [126](#)), which I incorporate by reference.

By agreement of the parties, each party shall bear their own attorneys' fees, costs, and expenses.

The Joint Report and Motion for Entry of Order and Final Judgment (Doc. No. [173](#)) is granted.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

October 7, 2011

cc: Counsel of Record