

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA *ex rel.*
SARAH BEHNKE,**

Plaintiff,

v.

CVS CAREMARK CORPORATION *et al.*,

Defendants.

Civil Action

No. 14-cv-824

ORDER

AND NOW, this 25th day of March, 2024, upon consideration of Caremark's motion for summary judgment, Relator's motion for partial summary judgment, and the responses and replies thereto, and following oral argument on February 6, 2024, and for the reasons set out in the accompanying memorandum opinion, it is hereby **ORDERED** that:

1. Caremark's motion for summary judgment (ECF No. 269) is **GRANTED in part and DENIED in part** as follows:

- a. The motion is **GRANTED** as to Caremark's payments to CVS Pharmacy in 2011 and 2012.
- b. The motion is **DENIED** in all other respects.

2. Relator's motion for partial summary judgment (ECF No. 265) is **GRANTED in part and DENIED in part** as follows:

- a. The motion is **GRANTED** as to falsity with respect to payments to Walgreens and Rite Aid, and as to whether Caremark caused SilverScript to submit false claims.

b. The motion is **DENIED** in all other respects.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.