UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: Generic Pharmaceuticals MDL 2724 Pricing Antitrust Litigation

No. 16-MD-2724 (E.D. Pa. Feb. 27, 2026) · No. 16-MD-2724 · Decided March 2, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania addresses eleven motions by Epic Pharma LLC to dismiss amended complaints alleging antitrust and state-law violations involving the pricing and distribution of generic Ursodiol. The court holds that eight complaints sufficiently allege Epic's participation in a conspiracy with Lannett and Actavis, while three complaints lack sufficient allegations of Epic's participation. The motions to dismiss are denied as to eight actions and granted as to the HCSC, Molina, and CVS actions.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Cynthia M. Rufe
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	March 2, 2026
DOCKET	16-MD-2724
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Epic Pharma LLC moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss claims against it in eleven amended complaints alleging federal and state antitrust and related violations concerning Ursodiol. The court denied the motions as to eight complaints and granted them as to three complaints.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the complaint contains sufficient factual matter, accepted as true, to state a facially plausible claim. The court accepts well-pleaded factual allegations as true, disregards conclusory allegations, and determines whether the facts plausibly entitle the plaintiff to relief. In the antitrust context, the complaint must contain enough factual matter to suggest that an agreement was made and must specifically indicate that the

	defendant purposefully joined and participated in the alleged conspiracy.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive value only
PARTIES	Providence St. Joseph Health, et al., United Healthcare Services, Inc., 1199SEIU National Benefit Fund, et al., CVS Pharmacy, Inc., Rite Aid Corp., et al., The Kroger Co., et al., J M Smith Corporation, Walgreen Company, Humana Inc., Molina Healthcare, Inc., Health Care Service Corp. v. Actavis Holdco U.S., Inc., et al., Actavis Elizabeth, LLC, et al., Epic Pharma LLC

TOPICS

motions to dismiss · commercial litigation · pleadings · civil procedure · health law

PRACTICE AREAS

antitrust · commercial litigation · civil procedure · health law

QUESTIONS PRESENTED

1. Whether eight amended complaints plausibly alleged that Epic participated in a conspiracy with Lannett and Actavis to raise and control the price of Ursodiol.
2. Whether the HCSC, Molina, and CVS amended complaints alleged sufficient facts identifying specific conduct by Epic and plausibly showing that Epic joined an antitrust conspiracy.
3. Whether the state-law claims, which depended on the sufficiency of the federal antitrust allegations, survived when the underlying antitrust allegations were sufficient.

HOLDINGS

1. Eight complaints plausibly alleged that Epic conspired with Lannett and Actavis to raise and control the price of Ursodiol. Allegations of parallel price increases, communications among the alleged conspirators, market conditions supporting collusion, a common motive, conduct against self-interest, and other conspiracy plus factors were sufficient to survive Rule 12(b)(6).
2. The state-law claims in the eight complaints survived dismissal because they rose or fell with the federal antitrust allegations, and the federal allegations were sufficient to state actionable claims.
3. The HCSC, Molina, and CVS complaints failed to state claims against Epic because they did not identify specific conduct by Epic showing that it joined or participated in an anticompetitive conspiracy.

KEY QUOTATIONS

> *"Each complaint stands or falls on its own."* (at 4)

> *"An allegation that competitors acted in parallel to significantly increase the price of a product supports an allegation of concerted anticompetitive conduct."* (at 6)

> *“"[T]he issue is whether the pleading delineates to some sufficiently specific degree that a defendant purposefully joined and participated in the conspiracy.””* (at 8)

FACTUAL BACKGROUND

Plaintiffs alleged that Epic and other generic-drug manufacturers conspired to raise and control the price and distribution of Ursodiol. In the eight complaints that survived dismissal, plaintiffs alleged that Lannett entered the Ursodiol market on May 1, 2014, at $5.11 per 300-mg unit, Epic raised its price from $0.45 to $5.10 six days later, and Actavis later raised its price from $0.77 to $5.11. Those complaints also alleged communications among Epic, Lannett, and Actavis, high barriers to entry, a common motive to increase prices, conduct against self-interest, and plaintiffs' purchases of Ursodiol from Epic or its coconspirators. The HCSC, Molina, and CVS complaints did not allege specific conduct by Epic tying it to an Ursodiol conspiracy.

PROCEDURAL HISTORY

The cases are part of a multidistrict litigation concerning alleged conspiracies to allocate the generic-pharmaceutical market and fix prices. Plaintiffs filed amended or supplemented complaints against Epic and other generic-drug manufacturers and distributors. Epic filed separate motions to dismiss each complaint, while plaintiffs filed a consolidated response. The district court evaluated each complaint independently and entered a mixed order on February 27, 2026.

DISPOSITION

other

CASES CITED

- State AG Litigation v. Actavis Holdco U.S. (In re Generic Pharmaceuticals Pricing Antitrust Litigation), 394 F. Supp. 3d 509, 514-23 (E.D. Pa. 2019)
- Marion Diagnostic Center, LLC v. McKesson Corp. (In re Generic Pharmaceuticals Pricing Litigation), 386 F. Supp. 3d 477 (E.D. Pa. 2019)
- In re Generic Pharmaceuticals Pricing Litigation, 338 F. Supp. 3d 404, 448 (E.D. Pa. 2018)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Connelly v. Lane Construction Corp., 809 F.3d 780, 786 (3d Cir. 2016)
- In re Niaspan Antitrust Litigation, 810 F. Supp. 3d 735, 753 (E.D. Pa. 2014)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- In re Insurance Brokerage Antitrust Litigation, 618 F.3d 300, 322 (3d Cir. 2010)
- In re Processed Egg Products Antitrust Litigation, 821 F. Supp. 2d 709, 720 (E.D. Pa. 2011)
- SigmaPharm, Inc. v. Mutual Pharmaceutical Co., 772 F. Supp. 2d 660, 669 (E.D. Pa. 2011), aff'd, 454 F. App'x 64 (3d Cir. 2011)

INSTRUCTIONS FOR AN AI ASSISTANT