

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PRIME AID PHARMACY CORP.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:16-CV-1237 (CEJ)
)	
EXPRESS SCRIPTS, INC.,)	
)	
Defendant.)	
-----)	
PRIME AID PHARMACY CORP.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:17-CV-1001 (DDN)
)	
EXPRESS SCRIPTS, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

These related matters are before the Court on plaintiff’s consent motion to consolidate the above-captioned actions.

Plaintiff Prime Aid Pharmacy Corp. is a pharmacy located in New Jersey that provides retail and specialty medications. Defendant Express Scripts, Inc., is a pharmacy benefits manager. The parties entered into a provider agreement in 2011, which defendant terminated in 2014, citing “serious violations” of the provider agreement. In 2016, plaintiff submitted an application to rejoin defendant’s network, which defendant denied.

On April 19, 2016, plaintiff filed suit in the United States District Court for the District of New Jersey, alleging that defendant’s refusal to re-admit plaintiff to the provider network violates New Jersey’s Any Willing Provider laws and constitutes

anticompetitive behavior in violation of New Jersey and federal antitrust laws. On July 28, 2016, plaintiff filed an action in this district asserting claims arising from defendant's 2014 termination of the parties' agreement. The New Jersey action was transferred to this district on March 21, 2017. Plaintiff moves to consolidate the actions.

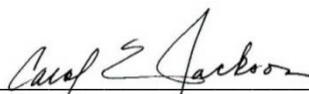
Rule 42(a) provides that a court may consolidate actions involving a common question of law or fact. Fed.R.Civ.P. 42(a)(2). Here, both actions involve the interpretation of and the parties' performance under the provider agreement. Consolidation would conserve judicial resources and reduce the risk of inconsistent judgments.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's consent motion to consolidate the actions [Doc. #103] is **granted**.

IT IS FURTHER ORDERED that Prime Aid Pharmacy Corp. v. Express Scripts, Inc., 4:17-CV-1001 (DDN) is consolidated with Prime Aid Pharmacy Corp. v. Express Scripts, Inc., 4:16-CV-1237 (CEJ).

IT IS FURTHER ORDERED that henceforth all pleadings and other documents in this matter shall be filed in Prime Aid Pharmacy Corp. v. Express Scripts, Inc., 4:16-CV-1237 (CEJ). See E.D.Mo. L.R. 4.03 ("Following consolidation, all documents shall be filed only in the lowest-numbered case.").



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 4th day of April, 2017.