

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

J.E.M., *et al.*,)
)
Plaintiffs,)
v.) Case No. 16-04273-CV-C-SRB
)
STEVEN CORSI, *et al.*,)
)
Defendants.)

PLAINTIFFS' MOTION TO DISMISS WITHOUT PREJUDICE

Plaintiffs J.E.M., J.L.M., and H.L.O., respectfully move this court pursuant to Fed. R. Civ. P. 41(a)(2) to dismiss without prejudice all of their claims against Defendants Steven Corsi and Jennifer Tidball, as these claims are now moot.

1. Plaintiffs filed this action on October 18, 2016, challenging the denial of Direct Acting Antiviral Medications (DAAs) to treat their chronic Hepatitis C.

2. Plaintiffs challenged restrictions on access to DAAs based on the severity of their liver damage (fibrosis stages) and requirement that they submit three months of proof of abstinence from use of drugs or alcohol prior to being considered for treatment with DAAs.

3. Defendants revised their policy to eliminate the abstinence requirement challenged by Plaintiffs on February 24, 2017.

4. Then, Defendants revised their policy to eliminate the fibrosis requirement challenged by Plaintiffs on November 1, 2017.

5. Defendants' current published clinical criteria, effective November 1, 2017, no longer include either fibrosis restrictions or abstinence requirements.

(available at: <https://dss.mo.gov/mhd/cs/pharmacy/pdf/hepatitis-c-therapy.pdf>.)

6. Subsequent to November 1, 2017, the Defendants approved all three Plaintiffs to begin treatment for their hepatitis C with DAAs, and the Plaintiffs have commenced treatment.

7. Defendants have eliminated the challenged conduct and have provided Plaintiffs with the relief sought in their Amended Complaint (Doc. No. 71).

For the reasons set forth above, Plaintiffs request that this Court:

- Dismiss the case without prejudice;
- Decline to rule on Defendants' pending motion for Summary Judgment (Doc. No. 116), as resolution of the motion is unnecessary in light of the dismissal.

Respectfully submitted,

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Dated November 20, 2017

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2017, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system which sent notification of such filing to the following counsel of record: Michael Quinlan, Assistant Attorney General, P.O. Box. 861, St. Louis, MO 63101.

/s/ Abigail Coursolle