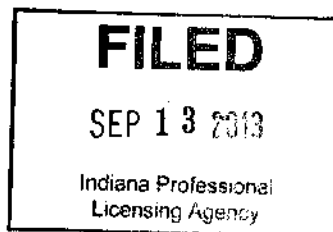


BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0069

IN THE MATTER OF THE
INDIANA NON-RESIDENT
PHARMACY PERMIT OF:

VILLAGE FERTILITY
PERMIT NUMBER: 64001462A.

)
)
)
)
)
)
)



ORDER DISMISSING MOTION FOR CEASE AND DESIST ORDER

The Indiana Board of Pharmacy ("Board"), held an administrative hearing on September 9, 2013, in Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning a Motion to Dismiss filed by the State of Indiana ("Petitioner") to dismiss the Motion for Cease and Desist Order ("Complaint") filed against Village Fertility ("Respondent").

The Petitioner was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

At the administrative hearing, the Petitioner moved the Board to dismiss the Complaint in this matter due to the fact that Respondent was now licensed, as described in the Motion to Dismiss, a copy of which is attached hereto as Exhibit A.

The Board, by a vote of 6-0-0, dismissed the Complaint.

IT IS THEREFORE ORDERED that the Motion for Cease and Desist Order in this matter is hereby **DISMISSED**.

ORDERED, this 13th day of September, 2013.

INDIANA BOARD OF PHARMACY

By:


Nicholas Rhoad
Executive Director
Indiana Professional Licensing Agency

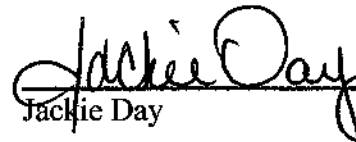
CERTIFICATE OF SERVICE

I certify that a copy of the "Order Dismissing Motion for Cease and Desist Order" has been duly served upon:

Village Fertility
ATTN: David Brass
335 Bear Hill Rd.
Waltham, MA 02451
Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

9/13/13
Date


Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
Email: pla4@pla.in.gov

Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

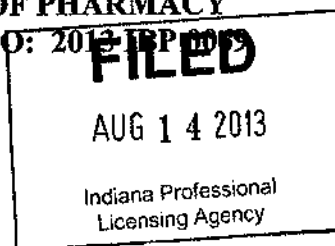
Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO: 2012-18P-003

IN THE MATTER OF THE
UNLICENSED PRACTICE OF:

VILLAGE FERTILITY

)
)
)
)



**PETITIONER'S MOTION TO DISMISS MOTION FOR ORDER TO CEASE
AND DESIST**

Comes now the State of Indiana (Petitioner), by counsel, Office of the Attorney General, by Darren R. Covington, Deputy Attorney General, and respectfully moves the Indiana Board of Pharmacy (Board) to dismiss the Petitioner's Motion for Order to Cease and Desist filed against Village Fertility (Respondent) by the Petitioner on July 18, 2013, and in support thereof, states the following:

1. On July 18, 2013, the Petitioner filed a Motion for Order to Cease and Desist with the Board requesting the Board to order Respondent to cease and desist its distribution of medications to Indiana residents without a license.
2. Unbeknownst to the Petitioner, Respondent was issued an Indiana non-resident pharmacy license on July 11, 2013.
3. The request for a Cease and Desist Order is now moot since Respondent possesses an Indiana license.

WHEREFORE, the Petitioner respectfully moves the Board to dismiss the Petitioner's Motion for Order to Cease and Desist and for all other relief just and proper in the premises.

EXHIBIT A

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

By: D-R S-
Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Motion to Dismiss" has been duly served upon Respondent, by United States mail, first-class, postage prepaid, on this 13th day of August, 2013.

Village Fertility
ATTN: David Brass
335 Bear Hill Rd.
Waltham, MA 02451

By: D - R S -
Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

302 W Washington St., 5th Flr.
Indianapolis, IN 46204
Phone: 317-233-6506
Fax: 317-233-4393
darren.covington@atg.in.gov