

**...BREAKING NEWS...  
MAY 10, 2006**

## **Mistrial Declared in Drug Diversion Case; Government to Retry in June**

The trial of Joseph Rudolph, a Pittsburgh-area physician charged with illegally distributing 340B-discounted medications, ended in a mistrial today because of a hung jury. The government plans to retry the case June 12.

Rudolph was tried in Pittsburgh before Judge Arthur Schwab of the United States District Court for the Western District of Pennsylvania; Schwab will judge the June trial as well. Charged under the Prescription Drug Marketing Act, Rudolph was indicted by the government in January, claiming that he distributed pharmaceuticals without a wholesaler's license. Rudolph's clinic was affiliated with Aliquippa Community Hospital, a disproportionate share hospital participating the Public Health Service's 340B drug discount program.

After more than three days of deliberations, the five-woman, seven-man jury could not come to a clear verdict, resulting in a mistrial. Rudolph's attorney, Fred Thieman, said he plans to defend his client in the next trial with a strategy similar to the one he used in trial that ended today. "The facts are the facts," said Thieman, adding that he plans to keep trying until a unanimous verdict is rendered on what he considers "an inappropriate prosecution."

The U.S. Attorney's office for Western District of Pennsylvania declined to comment on the case.

For more information concerning the Rudolph trial, see the *Monitor's* May 8 and April 28 News Alerts at <http://www.drugdiscountmonitor.com/members.html>. We will be providing a detailed look at the case in the May issue of *The Monitor*.