

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

**ELI LILLY AND COMPANY**

Lilly Corporate Center  
893 Delaware Street  
Indianapolis, Indiana 46225

and

**LILLY USA, LLC**

1500 South Harding Street  
Indianapolis, Indiana 46221,

Plaintiffs,

v.

**XAVIER BECERRA,  
in his official capacity as Secretary of HHS**

Office of the Secretary  
200 Independence Avenue, SW  
Washington, D.C. 20201,

**DANIEL J. BARRY,  
in his official capacity  
as Acting General Counsel of HHS**

Office of the General Counsel  
200 Independence Avenue, SW  
Washington, D.C. 20201,

**UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**

200 Independence Avenue, SW  
Washington, D.C. 20201,

**DIANA ESPINOSA,  
in her official capacity  
as Acting Administrator of HRSA**

5600 Fishers Lane  
Rockville, Maryland 20852,

and

**HEALTH RESOURCES AND SERVICES  
ADMINISTRATION**

5600 Fishers Lane  
Rockville, Maryland 20852,

Defendants.

**JOINT NOTICE REGARDING  
INITIAL PRETRIAL  
CONFERENCE**

No. 1:21-cv-81-SEB-MJD

*Document Electronically Filed*

**JOINT NOTICE REGARDING INITIAL PRETRIAL CONFERENCE**

By order of June 7, 2021, this Court scheduled an Initial Pretrial Conference for August 19, 2021, and instructed the parties to confer in advance of that conference about scheduling issues and to conduct the conference required by Fed. R. Civ. P. 26(f). ECF No. 113. Following that order, the parties submitted their final, dispositive cross-motions for summary judgment on the administrative record in this case. *See* ECF Nos. 125, 129. On July 30, 2021, Judge Barker held a hearing on those cross-motions and took them under advisement. *See* ECF No. 136. On August 17, 2021, the parties conferred telephonically pursuant to the Court's June 7 order and agreed that, because nothing remains to be done in this case except to await the Court's decision on the pending dispositive cross-motions, (1) no further scheduling deadlines need be set in this case; and (2) neither party intends to serve discovery. For those reasons, and to avoid any inconvenience to the Court, the parties respectfully defer to the Court on whether to proceed with the Initial Pretrial Conference set for August 19, 2021.

Dated: August 18, 2021

Brian D. Netter  
DEPUTY ASSISTANT  
ATTORNEY GENERAL

Michelle R. Bennett  
ASSISTANT BRANCH DIRECTOR

/s/ Jody D. Lowenstein

Jody D. Lowenstein  
Kate Talmor  
Rachael L. Westmoreland  
Trial Attorneys  
U.S. DEPARTMENT OF JUSTICE  
CIVIL DIVISION,  
FEDERAL PROGRAMS BRANCH  
1100 L Street, N.W.  
Washington, D.C. 20005  
(202) 598-9280  
jody.d.lowenstein@usdoj.gov

*Attorneys for Defendants*

Respectfully submitted,

s/ John C. O'Quinn

John C. O'Quinn, P.C.\*  
Matthew S. Owen\*  
Matthew D. Rowen\*  
KIRKLAND & ELLIS LLP  
1301 Pennsylvania Avenue N.W.  
Washington, D.C. 20004  
(202) 389-5000  
john.oquinn@kirkland.com  
matt.owen@kirkland.com  
matthew.rowen@kirkland.com

Andrew A. Kassof, P.C.\*  
Diana M. Watral\*  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
(312) 862-2000  
andrew.kassof@kirkland.com  
diana.watral@kirkland.com

\* Admitted *pro hac vice*

Andrea Roberts Pierson  
Brian J. Paul  
Nicholas B. Alford  
FAEGRE DRINKER BIDDLE & REATH LLP  
300 N. Meridian Street, Suite 2500  
Indianapolis, IN 46204  
(317) 237-0300  
andrea.pierson@faegredrinker.com  
brian.paul@faegredrinker.com  
nicholas.alford@faegredrinker.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on **August 18, 2021**, a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ John C. O'Quinn  
John C. O'Quinn