

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

ELI LILLY AND COMPANY
Lilly Corporate Center
893 Delaware Street
Indianapolis, IN 46225

and

LILLY USA, LLC
1500 South Harding Street
Indianapolis, IN 46221,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity
as Secretary of Health & Human Services,
Office of the Secretary
200 Independence Avenue, SW
Washington, D.C. 20201,

DANIEL J. BARRY, in his official capacity
as Acting General Counsel of Health & Human
Services
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 the Health
Resources and Services Administration
5600 Fishers Lane
Rockville, MD 20852,

and

HEALTH RESOURCES AND SERVICES
ADMINISTRATION
5600 Fishers Lane
Rockville, MD 20852,

Defendants.

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

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PLAINTIFF-APPELLANTS'
DOCKETING STATEMENT

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Plaintiffs Eli Lilly and Company and Lilly USA (together, "Lilly") submit their docketing statement by their counsel John C. O'Quinn (counsel of record) pursuant to 7th Cir. Rule 3(c).

1. **District Court Jurisdiction:** The district court had jurisdiction pursuant to 28 U.S.C. § 1331 because the complaint was brought pursuant to 5 U.S.C. §§ 701–706.

2. **Appellate Court Jurisdiction:** This is an appeal from a final judgment, so the court of appeals has jurisdiction pursuant to 28 U.S.C. § 1291. The district court granted in part and denied in part the Plaintiff-Appellants' motion for summary judgment on October 29, 2021. Plaintiff-Appellants filed a timely notice of appeal on November 10, 2021.

3. **Ongoing Proceedings in the District Court:** There are currently no ongoing proceedings in the District Court related to the claims on which final judgment was entered on which Lilly has taken this appeal. Separate, unrelated claims that are not part of the partial final judgment entered below remain pending before the District Court.

4. **Official Capacity Designations:** Xavier Becerra is sued in his official capacity as Secretary of Health & Human Services. Daniel J. Barry is sued in his official capacity as Acting General Counsel of Health & Human Services. Diana Espinosa is sued in her official capacity as Acting Administrator of the Health Resources and Services Administration.

5. **Related Appellate Proceedings:** There have been no previous related appellate proceedings in this case.

Dated: November 10, 2021

Respectfully submitted,

s/ John C. O'Quinn

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CERTIFICATE OF SERVICE

I hereby certify that on **November 10, 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

Attorney for Plaintiffs-Appellants