

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

v.

DIANA ESPINOSA, *et al.*,

Defendants.

No. 21-cv-1479 (DLF)

DEFENDANTS' MOTION TO MANUALLY FILE THE ADMINISTRATIVE RECORD

On June 7, 2021, the Court ordered Defendants to certify the administrative record for the Health Resources and Services Administration's May 17, 2021 letter on or before June 11, 2021. The administrative record comprises approximately 8,127 pages of material, requiring approximately 1368 megabytes of electronic storage. Defendants understand that the CM/ECF system accepts files of up to 35 megabytes. Electronically filing the administrative record would therefore require dividing the record into approximately 39 separate files and uploading each file individually, which would be a highly burdensome task. Accordingly, Defendants respectfully request leave to file the administrative record manually rather than filing it electronically through the CM/ECF system.

If granted leave to file the administrative record manually, Defendants will provide an electronic copy of the administrative record on physical storage media in the form of a DVD-ROM or a USB drive to the Clerk's Office to maintain for public access, and with this motion are electronically filing through CM/ECF an index to the administrative record and the certification of the administrative record. If the Court prefers, Defendants can also provide a courtesy electronic copy of the administrative record to chambers or file through CM/ECF a Joint Appendix containing the portions of the administrative record cited by the parties at the close of briefing on Defendants'

forthcoming motion for summary judgment. The relief requested will not affect Plaintiff's access to the administrative record, as Defendants have already provided Plaintiff's counsel with access to an electronic copy of the administrative record through a file-sharing system.

Defendants appreciate the Court's consideration and respectfully request entry of the attached proposed order.¹

Dated: June 11, 2021

Respectfully submitted,

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¹ Defendants have not had the opportunity to confer with Plaintiff's counsel due to the unexpected need for the relief requested.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

v.

DIANA ESPINOSA, in her official capacity as
ACTING ADMINISTRATOR, HEALTH
RESOURCES AND SERVICES
ADMINISTRATION, *et al.*

Defendants.

Case No. 1:21-cv-1479

CERTIFICATION OF ADMINISTRATIVE RECORD

I, Krista M. Pedley, Director of the Office of Pharmacy Affairs, Health Resources and Services Administration (“HRSA”), United States Department of Health and Human Services, certify, based on information obtained during the performance of my official duties as the Director of the Office of Pharmacy Affairs, that the attached documents constitute a true and accurate copy of all non-privileged documents that were directly or indirectly considered in connection with the issuance of HRSA’s May 17, 2021 letter to Novartis Pharmaceuticals Corporation.

Executed this 11th day of June 2021, in Frederick, MD.

Krista M. Pedley, PharmD, MS
RADM, USPHS
Director, Office of Pharmacy Affairs
Health Resources and Services Administration
United States Department of Health and Human Services

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

v.

DIANA ESPINOSA, *et al.*,

Defendants.

No. 21-cv-1479 (DLF)

PROPOSED ORDER

Upon consideration of Defendants' Motion to Manually File the Administrative Record, the Court hereby GRANTS Defendants' motion.

Defendants have filed on the docket the index to the administrative record and the certification of the administrative record, and may file the administrative record manually by providing it to the Clerk's Office in electronic form.

SO ORDERED.

Dated: _____

Signed: _____
The Honorable Dabney L. Friedrich
United States District Judge