

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff-Appellee,

v.

No. 21-5299

CAROLE JOHNSON, in her official
capacity as ADMINISTRATOR,
UNITED STATES HEALTH RESOURCES
AND SERVICES ADMINISTRATION

and

XAVIER BECERRA,
in his official capacity as SECRETARY,
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants-Appellants.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**A. PARTIES**

1. The following are parties in this Court:

a. Plaintiff-Appellee: Novartis Pharmaceuticals Corporation.

b. Defendants-Appellants: Carole Johnson, in her official capacity

as Administrator of the U.S. Health Resources and Services Administration

(HRSA), and Xavier Becerra, in his official capacity as Secretary of the Department of Health and Human Services.

2. Novartis Pharmaceuticals Corporation certifies that Novartis Finance Corporation is its parent corporation, and that Novartis Pharmaceuticals Corporation is an indirect, wholly-owned subsidiary of Novartis AG. Novartis Pharmaceuticals Corporation is a participating manufacturer in the 340B drug discount program established pursuant to 42 U.S.C. § 256b.

B. RULINGS UNDER REVIEW

Defendants-Appellants appeal an order and memorandum opinion issued on November 5, 2021, by District Judge Dabney L. Friedrich, ECF Nos. 31, 32. This order and opinion partially granted Plaintiff's Motion for Summary Judgment (ECF No. 19) and denied Defendants' Motion for Summary Judgment (ECF No. 13).

C. RELATED CASES

1. This case has not previously been before this Court or any other court.

2. The District Court considered this case along with *United Therapeutics Corp. v. Espinosa*, No. 1:21-cv-01686 (D.D.C.), and issued a single opinion resolving both cases. Defendants-Appellants' appeal in *United Therapeutics Corporation* has been docketed in this Court as *United Therapeutics Corp. v. Espinosa*, No. 21-5304 (D.C. Cir.).

3. Appeals involving similar HRSA violation letters have been docketed in the Third and Seventh Circuits. *See Sanofi-Aventis U.S., LLC v. HHS*, No. 21-3167; 21-3379 (3d Cir.); *Eli Lilly and Co. v. Becerra*, No. 21-3128; 21-3405 (7th Cir.); *Novo Nordisk Inc. v. HHS*, No. 21-3168; 21-3380 (3d Cir.).

Respectfully submitted,

/s/ Catherine E. Stetson

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January 31, 2022

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2022, I caused a copy of the foregoing to be filed by this Court's CM/ECF system, which will serve a copy on all registered users.

/s/ Catherine E. Stetson
Catherine E. Stetson