

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASTRAZENECA PHARMACEUTICALS LP,

Plaintiff,

v.

XAVIER BECERRA, DANIEL J. BARRY,
DIANA ESPINOSA, U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES, and
HEALTH RESOURCES AND SERVICES
ADMINISTRATION,

Defendants.

C.A. No. 21-27-LPS

**JOINT STATUS REPORT AND STIPULATION AND [PROPOSED] ORDER
REGARDING SECOND AMENDED COMPLAINT AND BRIEFING SCHEDULE**

Pursuant to the Court's Memorandum Order (D.I. 83) of June 30, 2021, Plaintiff and Defendants have conferred regarding how this case should proceed, and respectfully submit this joint status report and agreed-upon schedule regarding AstraZeneca's Second Amended Complaint and the briefing of associated dispositive motions.

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that the parties shall present, and the Court shall hear, cross motions for summary judgment regarding Plaintiff's Second Amended Complaint as follows:

1. Plaintiff will file its Second Amended Complaint on or before July 9, 2021. While Plaintiff does not intend at this time to seek a preliminary injunction or temporary restraining order, Plaintiff reserves the right to seek such relief if, during the pendency of the below schedule, the overcharge claims against Plaintiff proceed through the administrative dispute resolution process or Defendants initiate a civil monetary penalty

action against Plaintiff. Defendants reserve the right to oppose such requested relief.

2. Defendants will produce the Administrative Record supporting the letter of May 17, 2021, on or before July 16, 2021.
3. Plaintiff and Defendants will each file a motion for summary judgment and opening brief in support simultaneously on July 23, 2021. Each side's brief shall be no more than 30 pages in length.
4. Plaintiff and Defendants will each file an opposition to the other side's motion for summary judgment simultaneously on August 6, 2021. Each side's opposition brief shall be no more than 15 pages in length.
5. The Court shall hear oral argument on the motions on _____, 2021 at __:___.m.

Dated: July 6, 2021

MCCARTER & ENGLISH, LLP

/s/ Daniel M. Silver

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