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By CM/ECF

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United States Court of Appeals for the Seventh Circuit
Everett McKinley Dirksen United States Courthouse
219 S. Dearborn Street, Room 2722
Chicago, IL 60604

Re: *Eli Lilly & Co v. Kennedy* (Nos. 21-3128, 21-3405)

On October 31, 2022, the Court heard argument in these appeals concerning actions taken by the Department of Health and Human Services with respect to the 340B Discount Drug Program, 42 U.S.C. § 256b.

To date, the Court has not issued a decision. As in all cases, the time necessary for decision reflects both “the time required for adequate study and reflection” and “[e]xpeditious preparation and release of opinions.” Seventh Circuit Operating Procedure 9. The federal defendants write, consistent with this Court’s “reminder system,” *id.* 9(d), to note that the case remains pending. *Cf.* Ninth Circuit Rule 25-2 Advisory Committee Note (encouraging parties to “communicate * * * to the Court” that “a decision on the merits has not been issued within 9 months after submission”). Given the passage of time and the decisions of other courts considering the same issue, *Novartis Pharmaceuticals Corp. v. Johnson*, 102 F.4th 452 (D.C. Cir. 2024); *Sanofi Aventis U.S. LLC v. U.S. Department of Health and Human Services*, 58 F.4th 696 (3d Cir. 2023), the public and the Department will benefit from this Court’s decision construing the statute’s meaning.

Respectfully submitted,

/s/ Daniel Aguilar

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