

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

MERCK & CO., INC., and
MERCK SHARP & DOHME LLC,

Plaintiffs,

v.

XAVIER BECERRA, U.S. Secretary of Health &
Human Services, *et al.*

Defendants.

Civ. No. 1:23-01615 (CKK)

**REPLY IN SUPPORT OF PLAINTIFFS’
MOTION TO GOVERN FURTHER PROCEEDINGS**

Tracking its earlier correspondence, the Government’s response (ECF 56) offers no reason why this Court should not issue the order Plaintiffs requested, which would allow merits briefing to proceed on the responsible schedule that the parties negotiated and this Court approved. The Court should therefore issue that order.

Dated: October 24, 2023

Respectfully submitted,

/s/ Yaakov M. Roth

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Megan Lacy Owen (D.C. Bar 1007688)

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