

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NOVO NORDISK INC., *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No. 3:21-cv-806-FLW-LHG

ORDER

In consideration of the parties' request that the Court enter a stipulated schedule for briefing the merits of Plaintiffs' Complaint, good cause having been shown, the Court hereby GRANTS the request and orders:

- Defendants will produce the administrative record of the Department of Health and Human Services' Office of General Counsel's Advisory Opinion 20-06 on Contract Pharmacies under the 340B Program on **April 27, 2021**.
- Defendants will file an opening brief moving to dismiss for lack of subject-matter jurisdiction and failure to state a claim or, in the alternative, for summary judgment on **May 11, 2021**.
- Plaintiff will file an opening brief opposing Defendants' motion and cross-moving for summary judgment on **June 1, 2021**.
- Defendants will file a reply in support of their motion and opposing Plaintiffs' cross-motion for summary judgment on **June 22, 2021**.
- Plaintiff will file a reply in support of its motion for summary judgment on **July 6, 2021**;

- Both Motions will be decided on the papers unless the Court schedules oral argument.
- Each side shall have 45 pages in 12-point, proportional font (60 pages in 14-point, proportional font or 12-point, non-proportional font) for their opening briefs, and 20 pages in 12-point, proportional font (27 pages in 14-point, proportional font or 12-point, non-proportional font) for their reply briefs.
- The parties are excused from compliance with Local Civil Rule 56.1's requirement to include statements of material facts not in dispute in their summary-judgment briefing.

Dated: 4/19/2021

Signed: /s/ Freda L. Wolfson
The Honorable Freda L. Wolfson
Chief Judge