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March 19, 2024

**By Electronic Filing**

Hon. Kari A. Dooley  
Brien McMahon Federal Building  
United States Courthouse  
915 Lafayette Boulevard  
Suite 417  
Bridgeport, CT 06604

**Re: *Boehringer Ingelheim Pharmaceuticals, Inc. v. U.S. Dept. of Health & Human Services et al.*, No. 3:23-cv-1103**

Dear Judge Dooley:

I am writing to request a status conference regarding *Boehringer Ingelheim Pharmaceuticals, Inc. v. U.S. Dept. of Health & Human Services et al.*, No. 3:23-cv-1103, which presents constitutional challenges to the Inflation Reduction Act’s Drug Pricing Program, as well as Administrative Procedure Act challenges to implementation of that Program by the Centers for Medicare and Medicaid Services (CMS). Judge Chatigny issued an order on February 27, 2024 reassigning the *Boehringer Ingelheim* case to your docket, and the case is fully briefed (on the parties’ cross-motions for summary judgment).

We request a status conference for two main reasons. *First*, the Drug Pricing Program at issue in this case involves several statutory deadlines—including an August 1, 2024 deadline for *Boehringer Ingelheim* to sign an “agreement” to the “maximum fair price” prescribed by CMS—that we would like to bring to the Court’s attention. The parties took those deadlines into account in fashioning the briefing schedule for this case (which Judge Chatigny adopted), and they may bear on the Court’s consideration of the pending motions. *Second*, we believe that oral argument would benefit the Court and the parties given the nature of the issues raised in this suit, and we would appreciate an opportunity to discuss with the Court the possibility of (and potential timing for) oral argument in this matter. We consulted with counsel for Defendants regarding this request and were advised that Defendants take no position.

Sincerely,

A handwritten signature in blue ink, appearing to read "James T. Shearin".

James T. (Tim) Shearin  
*Counsel for Plaintiff *Boehringer Ingelheim Pharmaceuticals, Inc.**

cc: All Counsel of Record