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VIA CM/ECF AND HAND DELIVERY

The Honorable Gregory B. Williams
U.S. District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3555

Re: *Jazz Pharms., Inc., et al. v. Avadel CNS Pharms., LLC*,
C.A. Nos. 21-691-GBW, 21-1138-GBW, 21-1594-GBW

Dear Judge Williams:

We write on behalf of Defendant Avadel CNS Pharmaceuticals, LLC (“Avadel”) regarding Avadel’s emergency motion to stay the Court’s injunction order pending appeal. D.I. 670 in C.A. 21-691. Avadel appreciates the Court’s prompt consideration of Avadel’s emergency motion, and the expedited briefing schedule ordered by the Court. D.I. 673 in C.A. 21-691. However, Avadel was unable to secure an agreement from Plaintiffs Jazz Pharmaceuticals, Inc. and Jazz Pharmaceuticals Ireland Limited (collectively, “Jazz”) that Jazz would refrain from seeking to have Avadel found and held in contempt of the injunction order (D.I. 665, 666 in C.A. 21-691) pending the resolution of Avadel’s emergency motion to stay. As a result, Avadel was forced to seek parallel relief from the Federal Circuit Court of Appeals and filed a parallel emergency request for a stay pending appeal with that court last Friday. See Case No. 24-02277, D.I. 6. That filing, however, does not impact in any way the urgency and importance of Avadel’s pending emergency motion to stay—indeed, the Federal Circuit generally awaits the ruling of the District Court before acting on such motions, including when Jazz sought a stay pending the prior appeal in this matter. See Order at 2, *Jazz Pharmaceuticals, Inc. v. Avadel CNS Pharmaceuticals, LLC*, No. 23-1186 (Fed. Cir. Nov. 29, 2022) (noting that this Court was “working toward a prompt resolution”); Fed. R. App. P. 8(a)(1).

We appreciate the Court’s continued attention to Avadel’s motion.

Respectfully submitted,

/s/ Daniel M. Silver

Daniel M. Silver (#4758)

cc: All counsel of record (via CM/ECF and E-Mail)