

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

JAZZ PHARMACEUTICALS, INC.,

Plaintiff,

v.

AVADEL CNS PHARMACEUTICALS,  
LLC,

Defendant.

JAZZ PHARMACEUTICALS, INC., et al.,

Plaintiffs,

v.

AVADEL CNS PHARMACEUTICALS,  
LLC,

Defendant.

JAZZ PHARMACEUTICALS, INC., et al.,

Plaintiffs,

v.

AVADEL CNS PHARMACEUTICALS,  
LLC,

Defendant.

REDACTED PUBLIC VERSION  
FILED AUGUST 12, 2025

C.A. No. 21-691-GBW  
[REDACTED]

C.A. No. 21-1138-GBW  
[REDACTED]

C.A. No. 21-1594-GBW  
[REDACTED]

**DECLARATION OF GREGORY J. DIVIS**

I, Gregory Divis, declare:

1. I am the CEO of Avadel. I testified during the jury trial in this case. I submit this Declaration in support of Avadel's Opposition to Jazz's Renewed Motion for a Permanent Injunction. I have personal knowledge of the facts stated herein. If called as a witness in this matter, I could and would competently testify to each of the facts set forth below.

2. LUMRYZ is currently indicated only "for the treatment of cataplexy or excessive daytime sleepiness (EDS) in patients 7 years of age and older with narcolepsy." Avadel sells LUMRYZ solely for its FDA-approved indication treating narcolepsy. I understand that Avadel is currently prohibited from selling LUMRYZ for any other indication, including idiopathic hypersomnia ("IH"). Avadel is abiding by the Court's Order and will continue to do so. Avadel markets LUMRYZ only for use in the treatment of narcolepsy, and does not market LUMRYZ for any other use. For example, Avadel's current marketing materials, such as its promotional brochures, online advertisements, and videos, make clear that LUMRYZ is only FDA-approved for narcolepsy.

3. In addition to not marketing LUMRYZ for any other use, Avadel has taken a number of other affirmative steps to avoid sales of LUMRYZ to patients who do not have a diagnosis of narcolepsy. By way of background, in order for a patient to receive LUMRYZ, the patient must be enrolled in the LUMRYZ REMS safety program, and the prescribing physician must also be enrolled in the REMS. The patient then can only obtain LUMRYZ from a specialty pharmacy. That is, patients cannot go to a retail pharmacy like Walgreens to obtain LUMRYZ. The specialty pharmacies have information regarding the patient's diagnosis because of this system. Avadel works closely with these specialty pharmacies and has sent letters informing them that LUMRYZ may not be sold for any non-narcolepsy indication. Avadel also sent letters to letters to the pharmacy benefit managers and group purchasing organizations that are involved in

insurance coverage and other purchasing negotiations explaining to them the Court's order limiting LUMRYZ for use in patients with narcolepsy. Additionally, Avadel checks that any patient enrolled in Avadel's patient services program RYZUP has a diagnosis of narcolepsy. To my understanding, these steps have been extremely effective in limiting the use of LUMRYZ.

4. In the event that Avadel received approval to market LUMRYZ for IH while still being prohibited from making such sales, Avadel would send additional letters to all of these entities again informing them of the injunction. Additionally, Avadel would ensure that LUMRYZ's marketing materials continue to be limited to marketing the use of LUMRYZ for narcolepsy, and would continue to reject patient enrollments in RYZUP for any non-narcolepsy indication.

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 28, 2025.



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Gregory Divis