

**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]
[REDACTED]

C.A. No. 21-1138-GBW

[REDACTED]
[REDACTED]

C.A. No. 21-1594-GBW

[REDACTED]
[REDACTED]

DECLARATION OF KIRA A. DAVIS

I, Kira A. Davis, declare as follows:

1. I am a partner with the firm Morrison & Foerster LLP, counsel for Defendant Avadel in this matter. 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. Attached as **Exhibit A** is an October 15, 2024 letter from Daralyn J. Durie, counsel for Avadel, to F. Dominic Cerrito, counsel for Jazz Pharmaceuticals. Among other things, the letter informs counsel for Jazz that "Avadel is sending letters to the specialty pharmacies that fulfil prescriptions for LUMRYZ explaining the Court's injunction, emphasizing that Avadel may not make, use, or sell LUMRYZ for the treatment of non-narcolepsy conditions. Avadel is also sending letters to the Group Purchasing Organizations and Pharmacy Benefit Managers. In addition, Avadel rejects and will continue to reject any attempt by a health care provider to enroll a patient into Avadel's RYZUP patient services program unless the diagnosis code for the patient is for a type of narcolepsy."

3. Mr. Cerrito responded on October 24, 2024, in the letter attached as **Exhibit B**. In his letter, Mr. Cerrito requested "copies of the letters regarding the injunction that Avadel has sent to the specialty pharmacies, Group Purchasing Organizations, and Pharmacy Benefit Managers mentioned in your October 15 letter."

4. Attached as **Exhibit C** is a November 1, 2024 letter from Ms. Durie responding to Mr. Cerrito's October 24 letter, attaching a prescription form that Mr. Cerrito had asked about as well as exemplary letters sent by Avadel to the specialty pharmacies, GPOs, and PBMs regarding the injunction.

5. Counsel for Jazz received the letter that is Exhibit C and responded on November 25, 2024 with further requests regarding the prescription form. That responsive letter is attached as **Exhibit D**. Jazz did not have any questions regarding the letters to the specialty pharmacies, GPOs, and PBMs regarding the injunction.

6. 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
Los Angeles, California

/s/ Kira A. Davis

Kira A. Davis