

**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 MEGGAN SULLIVAN

I, Meggan Sullivan, declare:

1. 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. I am the Director of Channel Operations at Avadel. I have held this position since 2023. My responsibilities include working closely with the specialty pharmacies that distribute LUMRYZ to patients.

3. I understand that Avadel is currently prohibited by a court order from selling LUMRYZ for any indication other than narcolepsy. Avadel takes the Court's order seriously. I am one of the people at Avadel charged with taking steps to prevent the filling of LUMRYZ prescriptions for any non-narcolepsy indications, including idiopathic hypersomnia ("IH").

4. One way that Avadel has been able to ensure that LUMRYZ is being sold only for use with patients with narcolepsy is through the specialty pharmacy distribution system. LUMRYZ is exclusively distributed through specialty pharmacies. One of the things that must be checked before a LUMRYZ prescription is filled is whether the patient and provider are enrolled in the LUMRYZ REMS safety program – LUMRYZ prescriptions can only be filled for patients and providers that are registered in Avadel's REMS program. When a physician writes a LUMRYZ prescription for a patient, they need to identify the indication for which LUMRYZ is being prescribed. LUMRYZ prescriptions are then submitted to a specialty pharmacy, which has license to either fill the prescription or refuse to do so. When specialty pharmacies refuse to fill the prescription, there is no other way for the patient to obtain LUMRYZ, because LUMRYZ is not available through retail or other specialty pharmacies.

5. Avadel works closely with the specialty pharmacies and is able to monitor the LUMRYZ prescriptions that are written and submitted to the specialty pharmacies by physicians, pursuant to a valid HIPAA authorization. Avadel is likewise able to monitor which of these prescriptions are filled by the specialty pharmacies.

6. Through Avadel's work with the specialty pharmacies, Avadel has been able to take steps to stop sales of LUMRYZ for non-narcolepsy indications.

7. One step that Avadel took was sending letters to its specialty pharmacies informing them of the injunction, and telling them that LUMRYZ cannot be sold for any non-narcolepsy indication. Attached as Exhibit 1 is a letter that Avadel sent to [REDACTED] explaining that the Court's injunction order does not allow sales of LUMRYZ for any indication other than narcolepsy and that Avadel only sells LUMRYZ to [REDACTED] for dispensing to patients with narcolepsy. Attached as Exhibit 2 is the same letter sent to [REDACTED], and attached as Exhibit 3 is the same letter sent to [REDACTED].

8. Avadel also issued a call script for employees to follow when they are asked questions by prescribers to ensure that Avadel is consistently preventing non-narcolepsy prescriptions from being filled and consistently reminding prescribers that non-narcolepsy prescriptions will not be filled. A copy of that FAQ call script is attached as Exhibit 4. That script states that "Avadel is not permitted to sell LUMRYZ for anything other than for the treatment of narcolepsy." Ex. 4 at Q1. That script further states that the court order does not allow for an exception process. Ex. 4 at Q3-Q8.

9. To date, the sales of LUMRYZ for non-narcolepsy indications have been minimal. I understand that patients who were prescribed LUMRYZ before August 27, 2024 can keep taking LUMRYZ even for a non-narcolepsy diagnosis. Even including that small number of patients, the

number of patients currently taking LUMRYZ for non-narcolepsy diagnoses is small because Avadel has been successful in stopping prescriptions where the patient does not have a narcolepsy diagnosis.

10. 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.

Meggan Sullivan

Meggan Sullivan