

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
<p><i>Merck &amp; Co., Inc. et al. v. Becerra et al.</i></p> <ul style="list-style-type: none"> <li>• D.D.C (J. Kollar-Kotelly)</li> <li>• 1:23cv1615</li> <li>• Filed 06/06/2023</li> </ul>	<ul style="list-style-type: none"> <li>• Merck &amp; Co., Inc. and Merck Sharp &amp; Dohme LLC (JANUVIA®)</li> </ul>	<ol style="list-style-type: none"> <li>I. Fifth Amendment – Uncompensated Takings</li> <li>II. First Amendment – Compelled Speech</li> </ol>	<ul style="list-style-type: none"> <li>• Plaintiffs' <b><u>Motion for Summary Judgment</u></b> filed 7/11/23; Defendants' cross-Motion for Summary Judgment and opposition to Plaintiffs' MSJ filed 9/11/23; Plaintiffs' reply in support of MSJ and opposition to cross-MSJ filed 10/19/23; briefing on MSJs completed 11/29/23 <ul style="list-style-type: none"> <li>○ <b>Public Citizen, Patients For Affordable Drugs Now, Doctors For America, Protect Our Care, and Families USA</b> amicus brief submitted in support of Defendants</li> <li>○ <b>Economists and Scholars of Health Policy</b> amicus brief submitted in support of Defendants</li> <li>○ <b>American Public Health Association, The American College Of Physicians, The Society Of General Internal Medicine, and The American Geriatrics Society</b> amicus brief submitted in support of Defendants</li> <li>○ <b>AARP and AARP Foundation</b> amicus brief submitted in support of Defendants</li> </ul> </li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<ul style="list-style-type: none"> <li>○ <b>Nationally Recognized Healthcare and Medicare Experts</b> amicus brief submitted in support of Defendants</li> <li>○ <b>Sens. Amy Klobuchar, Peter Welch, Tammy Baldwin, Richard Blumenthal, Sherrod Brown, Catherine Cortez Masto, Richard J. Durbin, John Fetterman, John Hickenlooper, Jacky Rosen, Jeanne Shaheen, Debbie Stabenow, Chris Van Hollen, and Elizabeth Warren</b> amicus brief submitted in support of Defendants</li> <li>● Plaintiffs' Amended Complaint filed 10/19/23 (adding Merck Sharp &amp; Dohme LLC as a second plaintiff)</li> </ul>
<p><i>Dayton Area Chamber Of Commerce et al. v. Becerra et al.</i></p> <ul style="list-style-type: none"> <li>● S.D. Ohio (J. Newman)</li> <li>● 3:23cv156</li> <li>● Filed 06/09/2023</li> </ul>	<ul style="list-style-type: none"> <li>● Dayton Area Chamber of Commerce</li> <li>● Ohio Chamber of Commerce</li> <li>● Michigan Chamber of Commerce</li> </ul>	<ol style="list-style-type: none"> <li>I. Separation of Powers</li> <li>II. Fifth Amendment – Due Process</li> <li>III. Eighth Amendment – Excessive Fines</li> <li>IV. No Legislative Authority</li> </ol>	<ul style="list-style-type: none"> <li>● Plaintiffs' <b><u>Motion for Preliminary Injunction</u></b> filed 7/12/23; briefing completed 8/25/23; <b><u>denied</u></b> 9/29/23</li> <li>○ <b>AARP</b> amicus brief submitted in support of opposition to PI</li> <li>○ <b>Public Citizen, Patients for Affordable Drugs Now, Doctors for America, Protect Our Care, and Families USA</b></li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
<p><b><i>The Chambers of Commerce Matter</i></b></p>	<ul style="list-style-type: none"> <li>U.S. Chamber of Commerce</li> </ul> <p>[identified member(s)/product: AbbVie, Pharmacyclics/IMBRUVICA®]</p>	<p>V. First Amendment – Compelled Speech</p>	<p>amicus brief submitted in support of opposition to PI</p> <ul style="list-style-type: none"> <li>Defendants’ <b><u>Motion to Dismiss</u></b> filed 8/11/23; briefing completed 9/8/23; <b><u>denied</u></b> 9/29/23</li> <li><b><u>Oral argument</u></b> held 9/15/23 on Motion for PI and Motion to Dismiss</li> <li><b><u>Motion to Dismiss and Motion for Preliminary Injunction denied</u></b> 9/29/23</li> <li>Plaintiffs’ Amended Complaint filed 10/13/23</li> <li>Rule 26(f) Report filed by parties 10/23/23, noting <i>inter alia</i>:               <ul style="list-style-type: none"> <li>“The parties agree that no discovery is necessary at this time” and</li> <li>“The parties agree that this case can and should be resolved via dispositive motion(s)”</li> </ul> </li> <li>Amended case management schedule ordered 11/7/23:               <ul style="list-style-type: none"> <li>Plaintiffs’ <b><u>Motion for Summary Judgment</u></b> filed 11/8/23</li> </ul> </li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<ul style="list-style-type: none"> <li>○ Defendants' <b><u>Motion to Dismiss</u></b> or, in the Alternative, Cross-MSJ and opposition to Plaintiffs' MSJ filed 12/15/23</li> <li>○ Plaintiffs' Reply and opposition to Defendants' Cross-MSJ filed 1/10/24</li> <li>○ Defendants' Reply filed 2/14/24</li> <li>○ Plaintiffs' request for court to adopt target decision date of 3/1/2024 denied 10/27/23</li> <li>● Amicus briefs filed re: motions for summary judgment:             <ul style="list-style-type: none"> <li>○ <b>Intellectual Property Law and Health Law Scholars</b> amicus brief filed in support of Defendants</li> <li>○ <b>Doctors for America, Families USA, Patients for Affordable Drugs Now, Protect Our Care, Public Citizen</b> amicus brief filed in support of Defendants</li> <li>○ <b>American College of Physicians, American Geriatrics Society, American Public Health Association, American</b></li> </ul> </li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<p><b>Society of Hematology, Society of General Internal Medicine</b> amicus brief filed in support of Defendants</p> <ul style="list-style-type: none"> <li>○ <b>Abrams Institute for Freedom of Expression</b> amicus brief filed in support of Defendants</li> <li>○ <b>Economists And Scholars Of Health Policy</b> amicus brief filed in support of Defendants</li> <li>○ <b>AARP, AARP Foundation</b> amicus brief filed in support of Defendants</li> </ul> <ul style="list-style-type: none"> <li>● <b>Order <u>granting Defendants' Motion to Dismiss</u> and denying Plaintiffs' MSJ issued August 8, 2024. Case dismissed without prejudice.</b> <ul style="list-style-type: none"> <li>○ <b>Notice of Appeal filed 10/8/24</b></li> </ul> </li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
<p><i>Bristol Myers Squibb Co. v. Becerra et al.</i></p> <ul style="list-style-type: none"> <li>• D.N.J (J. Quraishi)</li> <li>• 3:23cv3335</li> <li>• Filed 6/16/23</li> </ul>	<ul style="list-style-type: none"> <li>• Bristol Myers Squibb Co. (ELIQUIS® and OPDIVO®)</li> </ul>	<ol style="list-style-type: none"> <li>I. Fifth Amendment – Uncompensated Takings</li> <li>II. First Amendment – Compelled Speech</li> </ol>	<p>Coordinated with <i>Janssen</i></p> <ul style="list-style-type: none"> <li>• Plaintiffs' <b>Motion for Summary Judgment</b> filed 8/16/23; Defendants' Response and Cross-Motion for SJ filed 10/16; Plaintiffs' combined replies filed 11/24/23; Defendants' reply ISO cross-motion for SJ filed 12/22/23               <ul style="list-style-type: none"> <li>○ <b>Fresenius Kabi</b> amicus brief filed in support of Plaintiffs</li> <li>○ <b>Public Citizen, Patients for Affordable Drugs Now, Doctors for America, Protect Our Care, and Families USA</b> amicus brief filed in support of Defendants</li> <li>○ <b>AARP, AARP Foundation</b> amicus brief filed in support of Defendants</li> <li>○ <b>American Public Health Association, American College of Physicians, Society of General Internal Medicine, American Geriatrics Society, American Society of Hematology</b> amicus brief filed in support of Defendants</li> </ul> </li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<ul style="list-style-type: none"> <li>○ <b>Nationally Recognized Healthcare and Medicare Experts</b> amicus brief filed in support of Defendants</li> <li>○ <b>Law Scholars</b> amicus brief filed in support of Defendants</li> <li>○ <b>Economists and Scholars of Health Policy</b> amicus brief filed in support of Defendants</li> <li>○ <b>Abrams Institute for Freedom of Expression</b> amicus brief filed in support of Defendants</li> <li>○ <b>Constitutional Accountability Center</b> amicus brief filed in support of Defendants</li> <li>● Oral argument held 3/7/24 (in <i>BMS, Janssen, Novartis, Novo Nordisk</i>)</li> <li>● <b>Defendants' Motion for Summary Judgment <u>granted</u> 4/29/24; case closed 4/29/24</b> <ul style="list-style-type: none"> <li>○ <b>BMS notice of APPEAL filed 4/29/24</b></li> <li>○ <b>Oral argument scheduled for 10/30/24</b></li> </ul> </li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
<p><i>National Infusion Center Assoc. et al. v. Becerra et al.</i></p> <ul style="list-style-type: none"> <li>W.D. Tex (J. Ezra)</li> <li>1:23cv707</li> <li>Filed 06/21/23</li> </ul> <p><b>The PhRMA Matter</b></p>	<ul style="list-style-type: none"> <li>National Infusion Center Assoc. (NICA)</li> <li>Global Colon Cancer Association (GCCA)</li> <li>Pharmaceutical Research and Manufacturers of America (PhRMA)</li> </ul> <p>[PhRMA identified products; nine of following 10 products: Eliquis, Xarelto, Januvia, Jardiance, Imbruvica, Novolog, Xtandi, Enbrel, Myrbetriq, and Spiriva]</p>	<ol style="list-style-type: none"> <li>I. Separation of Powers</li> <li>II. Eighth Amendment – Excessive Fines</li> <li>III. Fifth Amendment – Due Process</li> </ol>	<ul style="list-style-type: none"> <li>Plaintiffs' <b><u>Motion for Summary Judgment</u></b> filed 8/10/23; Defendants' opposition and cross-MSJ due within 14 days of order on Motion to Dismiss <ul style="list-style-type: none"> <li><b>Biosimilars Forum</b> amicus brief filed in support of Plaintiffs' MSJ 8/25/23</li> <li><b>Fresenius Kabi</b> amicus brief filed in support of Plaintiffs' MSJ 9/6/2323</li> </ul> </li> <li>Defendants' <b><u>Motion to Dismiss</u></b> Filed 8/28/23 <ul style="list-style-type: none"> <li>Plaintiffs' Response filed 9/25/23</li> <li>Reply Brief filed 10/13/23</li> <li>Defendants' Notice of Supplemental Authority filed 11/2/23</li> <li>Plaintiffs' motion for leave to file response to Defs.' Notice of Supplemental Authority filed 11/7/23</li> <li><b>GRANTED</b> on 2/12/24</li> </ul> </li> <li><b>ORDER granting Defendants' motion to dismiss and ordering case closed issued on 2/12/24</b></li> </ul>



Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<ul style="list-style-type: none"> <li>○ <b>NICA APPEAL docketed 3/14/24; oral argument heard 5/1/24</b></li> <li>○ <b>Reversed on appeal and remanded</b></li> </ul>
<p><i>Astellas Pharma US, Inc. v. HHS et al.</i></p> <ul style="list-style-type: none"> <li>• N.D. Ill. (J. Bucklo)</li> <li>• 1:23cv4578</li> <li>• Filed 7/14/23</li> </ul>	<ul style="list-style-type: none"> <li>• Astellas Pharma US, Inc. (XTANDI<sup>®</sup>, MYRBETRIQ<sup>®</sup>)</li> </ul>	<ol style="list-style-type: none"> <li>I. Fifth Amendment – Uncompensated Takings</li> <li>II. Fifth Amendment – Due Process</li> <li>III. First Amendment – Compelled Speech</li> </ol>	<ul style="list-style-type: none"> <li>• Plaintiff's Voluntary Dismissal Without Prejudice filed 9/6/23; case closed 9/7/23</li> </ul>
<p><i>Janssen Pharms., Inc. v. Becerra et al.</i></p> <ul style="list-style-type: none"> <li>• D.N.J (J. Quraishi)</li> <li>• 3:23cv3818</li> <li>• Filed 7/18/23</li> </ul>	<ul style="list-style-type: none"> <li>• Janssen Pharmaceuticals, Inc. (XARELTO<sup>®</sup>)</li> </ul>	<ol style="list-style-type: none"> <li>I. Fifth Amendment – Uncompensated Takings</li> <li>II. First Amendment – Compelled Speech</li> <li>III. Unconstitutional Condition on Medicare and Medicaid Participation</li> </ol>	<p>Coordinated with <i>BMS</i></p> <ul style="list-style-type: none"> <li>• Plaintiffs' <b><u>Motion for Summary Judgment</u></b> filed 8/16/23; Defendants' Response and Cross-Motion for SJ filed 10/16/23; Plaintiffs' combined replies filed 11/24/23; Defendants' reply ISO cross-motion for SJ filed 12/22/23</li> <li>○ <b>Fresenius Kabi</b> amicus brief filed in support of Plaintiffs</li> <li>○ <b>Public Citizen, Patients for Affordable Drugs Now, Doctors for America, Protect Our Care, and Families USA</b></li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<p>amicus brief filed in support of Defendants</p> <ul style="list-style-type: none"> <li>○ <b>AARP, AARP Foundation</b> amicus brief filed in support of Defendants</li> <li>○ <b>American Public Health Association, American College of Physicians, Society of General Internal Medicine, American Geriatrics Society, American Society of Hematology</b> amicus brief filed in support of Defendants</li> <li>○ <b>Nationally Recognized Healthcare and Medicare Experts</b> amicus brief filed in support of Defendants</li> <li>○ <b>Law Scholars</b> amicus brief filed in support of Defendants</li> <li>○ <b>Economists and Scholars of Health Policy</b> amicus brief filed in support of Defendants</li> <li>○ <b>Abrams Institute for Freedom of Expression</b> amicus brief filed in support of Defendants</li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<ul style="list-style-type: none"> <li>○ <b>Constitutional Accountability Center</b> amicus brief filed in support of Defendants</li> <li>● Oral argument held 3/7/24 (in <i>BMS, Janssen, Novartis, Novo Nordisk</i>)</li> <li>● <b>Defendants' Motion for Summary Judgment granted 4/29/24; case closed 4/29/24</b> <ul style="list-style-type: none"> <li>○ <b>Janssen notice of APPEAL filed 4/30/24</b></li> <li>○ <b>Oral argument scheduled for 10/30/24</b></li> </ul> </li> </ul>
<p><i>Boehringer Ingelheim Pharms., Inc. v. HHS et al.</i></p> <ul style="list-style-type: none"> <li>● D. Conn. (J. Shea)</li> <li>● 3:23cv1103</li> <li>● Filed 8/18/23</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Boehringer Ingelheim Pharmaceuticals, Inc. (JARDIANCE®)</b></li> </ul>	<ol style="list-style-type: none"> <li>I. Fifth Amendment – Due Process</li> <li>II. Fifth Amendment – Uncompensated Takings</li> <li>III. First Amendment – Compelled Speech</li> <li>IV. Eighth Amendment – Excessive Fines</li> </ol>	<ul style="list-style-type: none"> <li>● Plaintiffs' <b>Motion for Summary Judgment</b> filed 9/27/23; briefing on MSJ and cross-MSJ completed 2/26/24 <ul style="list-style-type: none"> <li>○ <b>Public Citizen, Patients for Affordable Drugs Now, Doctors for America, Protect Our Care, Families USA</b> amicus brief filed in support of Defendants</li> <li>○ <b>American Public Health Association, American College of Physicians, Society of General Internal Medicine, American Geriatrics Society, and</b></li> </ul> </li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
		<p>V. Unconstitutional Condition on Medicare and Medicaid Participation</p> <p>VI. Violation of the APA and Medicare Statute</p>	<p><b>American Society of Hematology</b> amicus brief filed in support of Defendants</p> <ul style="list-style-type: none"> <li>○ <b>Center for American Progress, NAACP</b> amicus brief filed in support of Defendants</li> <li>○ <b>Intellectual Property Law and Health Law Scholars</b> amicus brief filed in support of Defendants</li> <li>○ <b>Economists and Scholars of Health Policy</b> amicus brief filed in support of Defendants</li> <li>○ <b>Healthcare and Medicare Experts</b> amicus brief filed in support of Defendants</li> <li>○ <b>AARP, AARP Foundation, Center for Medicare Advocacy, Inc, Justice in Aging, Medicare Rights Center</b> amicus brief filed in support of Defendants</li> <li>○ <b>Abrams Institute for Freedom of Expression</b> amicus brief filed in support of Defendants</li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<ul style="list-style-type: none"> <li>○ U.S. Senators Tammy Baldwin, Richard Blumenthal, Sherrod Brown, John Hickenlooper, Amy Klobuchar, Jacky Rosen, Jeanne Shaheen, Debbie Stabenow, Chris Van Hollen, Elizabeth Warren, Peter M. Welch amicus brief filed in support of Defendants</li> <li>● Oral argument on MSJs held June 20, 2024</li> <li>● Order <u>granting Defendants' MSJ</u> and denying Plaintiffs' MSJ issued July 3, 2024 <ul style="list-style-type: none"> <li>○ Notice of Appeal filed July 26, 2024</li> </ul> </li> </ul>
<p><i>AstraZeneca Pharmaceuticals LP v. Becerra et al.</i></p> <ul style="list-style-type: none"> <li>● D. Del. (J. Connolly)</li> <li>● 1:23cv00931</li> <li>● Filed 8/25/23</li> </ul>	<ul style="list-style-type: none"> <li>● AstraZeneca Pharmaceuticals LP and AstraZeneca AB (FARXIGA®, LYNPARZA®, CALQUENCE®, SOLIRIS®)</li> </ul>	<ol style="list-style-type: none"> <li>I. Violation of the APA – “Qualifying Single Source Drug”</li> <li>II. Violation of the APA – “Bona Fide Marketing”</li> <li>III. Fifth Amendment – Due Process</li> </ol>	<ul style="list-style-type: none"> <li>● Plaintiffs' <b><u>Motion for Summary Judgment</u></b> filed 9/26/23; Defendants' Cross-Motion for summary judgment and Opp. to Plaintiffs' MSJ filed 11/1/23; Plaintiffs' Reply in support of MSJ and Opp. to Defendants' Cross-Motion filed 12/1/23; <b><u>briefing on dispositive motions completed</u></b> 1/5/24 <ul style="list-style-type: none"> <li>○ <b>Nationally Recognized Healthcare and Medicare Experts</b> amicus brief in support of Defendants filed 11/9/23</li> <li>○ <b>AARP, AARP Foundation, Center for Medicare Advocacy, Justice in Aging,</b></li> </ul> </li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
			<p><b>and the Medicare Rights Center</b> amicus brief in support of Defendants filed 11/16/23</p> <ul style="list-style-type: none"> <li>○ <b>American Public Health Association, American College of Physicians, Society of General Internal Medicine, American Geriatrics Society, American Society of Hematology</b> amicus brief in support of Defendants filed 11/16/23</li> <li>• Oral argument held 1/31/24</li> <li>• <b><u>Order granting Defendants' Motion for Summary Judgment issued 3/1/24; case closed 3/1/24</u></b> <ul style="list-style-type: none"> <li>○ <b>AstraZeneca notice of APPEAL filed 4/29/24</b></li> <li>○ <b>Oral argument scheduled for 10/30/24</b></li> </ul> </li> </ul>
<p><i>Novartis Pharmaceuticals Corp. v. Becerra et al.</i></p> <ul style="list-style-type: none"> <li>• D.N.J. (J. Quraishi)</li> </ul>	<ul style="list-style-type: none"> <li>• Novartis Pharmaceuticals Corp. (ENTRESTO®)</li> </ul>	<ol style="list-style-type: none"> <li>I. Fifth Amendment – Uncompensated Takings</li> <li>II. Eighth Amendment – Excessive Fines</li> </ol>	<ul style="list-style-type: none"> <li>• Plaintiffs' opening MSJ filed 11/22/23; all MSJ briefing completed 2/23/24</li> <li>○ <b>AARP, AARP Foundation, Center for Medicare Advocacy, Justice in Aging, and the Medicare Rights Center</b></li> </ul>

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
<ul style="list-style-type: none"> <li>• 2:23cv14221</li> <li>• Filed 9/1/23</li> </ul>		III. First Amendment – Compelled Speech	amicus brief filed in support of Defendants filed <ul style="list-style-type: none"> <li>• Oral argument held 3/7/24 (in <i>BMS, Janssen, Novartis, Novo Nordisk</i>)</li> <li>• <b><u>Order granting Defendants' Motion for Summary Judgment issued 10/18/24</u></b> <ul style="list-style-type: none"> <li>○ <b>Novartis notice of APPEAL filed 10/21/2024</b></li> </ul> </li> </ul>
<i>Novo Nordisk, Inc. et al. v. Becerra et al.</i> <ul style="list-style-type: none"> <li>• D.N.J. (J. Quraishi)</li> <li>• 099991</li> <li>• Filed 9/29/23</li> </ul>	<ul style="list-style-type: none"> <li>• Novo Nordisk Inc., Novo Nordisk Pharma, Inc. (NovoLog<sup>®</sup>, NovoLog<sup>®</sup> FlexPen<sup>®</sup>, NovoLog<sup>®</sup> PenFill<sup>®</sup>, FIASP<sup>®</sup>, FIASP<sup>®</sup> Flextouch<sup>®</sup>, and FIASP<sup>®</sup> Penfill<sup>®</sup>)</li> </ul>	I. Separation of Powers and Due Process II. First Amendment – Compelled Speech III. Violation of APA and Medicare Statutes IV. Ultra Vires and Unlawful Conduct by CMS	<ul style="list-style-type: none"> <li>• Plaintiffs' MSJ filed 12/8/23; all MSJ briefing completed 2/23/24</li> <li>• Oral argument held 3/7/24 (in <i>BMS, Janssen, Novartis, Novo Nordisk</i>)</li> <li>• <b><u>Order granting Defendants' Motion for Summary Judgment issued 7/31/24</u></b> <ul style="list-style-type: none"> <li>○ <b>Novo Nordisk notice of APPEAL filed 8/14/2024</b></li> </ul> </li> </ul>