

Case	Plaintiff(s), Associated Product(s) Identified in Complaint	Plaintiffs' Claims	Status
<p><i>Merck & Co., Inc. v. Becerra et al.</i></p> <ul style="list-style-type: none"> • D.D.C (J. Kollar-Kotelly) • 1:23cv1615 • Filed 06/06/2023 	<ul style="list-style-type: none"> • Merck & Co., Inc. (JANUVIA®) 	<ol style="list-style-type: none"> I. Fifth Amendment – Uncompensated Takings II. First Amendment – Compelled Speech 	<ul style="list-style-type: none"> • Plaintiffs' <u>Motion for Summary Judgment</u> filed 7/11/23; Defendants' cross-Motion for Summary Judgment and opposition to Plaintiffs' MSJ filed 9/11/23; briefing on MSJs to be completed by 11/21/23 <ul style="list-style-type: none"> ○ Public Citizen, Patients For Affordable Drugs Now, Doctors For America, Protect Our Care, and Families USA amicus brief submitted in support of Defendants ○ Economists and Scholars of Health Policy amicus brief submitted in support of Defendants ○ American Public Health Association, The American College Of Physicians, The Society Of General Internal Medicine, and The American Geriatrics Society amicus brief submitted in support of Defendants ○ AARP and AARP Foundation amicus brief submitted in support of Defendants

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			<ul style="list-style-type: none"> ○ Nationally Recognized Healthcare and Medicare Experts amicus brief submitted in support of Defendants ○ 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 amicus brief submitted in support of Defendants
<p><i>Dayton Area Chamber Of Commerce et al. v. Becerra et al.</i></p> <ul style="list-style-type: none"> • S.D. Ohio (J. Newman) • 3:23cv156 • Filed 06/09/2023 <p><i>The Chamber of Commerce Matter</i></p>	<ul style="list-style-type: none"> • Dayton Area Chamber of Commerce • Ohio Chamber of Commerce • Michigan Chamber of Commerce • U.S. Chamber of Commerce <p>[identified member(s)/product:</p>	<ol style="list-style-type: none"> I. Separation of Powers II. Fifth Amendment – Due Process III. Eighth Amendment – Excessive Fines IV. No Legislative Authority V. First Amendment – Compelled Speech 	<ul style="list-style-type: none"> • Plaintiffs' <u>Motion for Preliminary Injunction</u> filed 7/12/23; briefing completed 8/25/23; <u>denied</u> 9/29/23 ○ AARP amicus brief submitted in support of opposition to PI ○ Public Citizen, Patients for Affordable Drugs Now, Doctors for America, Protect Our Care, and Families USA amicus brief submitted in support of opposition to PI

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	AbbVie, Pharmacyclics/ IMBRUVICA®]		<ul style="list-style-type: none"> • Defendants' <u>Motion to Dismiss</u> filed 8/11/23; briefing completed 9/8/23; <u>denied</u> 9/29/23 • <u>Oral argument</u> held 9/15/23 on Motion for PI and Motion to Dismiss • <u>Motion to Dismiss and Motion for Preliminary Injunction denied</u> 9/29/23 • Plaintiffs' Amended Complaint filed 10/13/23
<p><i>Bristol Myers Squibb Co. v. Becerra et al.</i></p> <ul style="list-style-type: none"> • D.N.J. (J. Quraishi) • 3:23cv3335 • Filed 6/16/23 	<ul style="list-style-type: none"> • Bristol Myers Squibb Co. (ELIQUIS® and OPDIVO®) 	<ol style="list-style-type: none"> I. Fifth Amendment – Uncompensated Takings II. First Amendment – Compelled Speech 	<p>Coordinated with <i>Janssen</i></p> <ul style="list-style-type: none"> • Plaintiffs' <u>Motion for Summary Judgment</u> filed 8/16/23; Defendants' Response and Cross-Motion for SJ filed 10/16; briefing on MSJ and any cross-MSJ to be completed by 12/8/23 <ul style="list-style-type: none"> ○ Public Citizen, Patients for Affordable Drugs Now, Doctors for America, Protect Our Care, and Families USA motion for leave to file amicus brief ISO Defendants filed 10/17/23
<p><i>National Infusion Center Assoc. et al. v. Becerra et al.</i></p>	<ul style="list-style-type: none"> • National Infusion Center Assoc. (NICA) 	<ol style="list-style-type: none"> I. Separation of Powers II. Eighth Amendment – Excessive Fines 	<ul style="list-style-type: none"> • Plaintiffs' <u>Motion for Summary Judgment</u> filed 8/10/23; Defendants' opposition and

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<ul style="list-style-type: none"> • W.D. Tex (J. Ezra) • 1:23cv707 • Filed 06/21/23 <p><i>The PhRMA Matter</i></p>	<ul style="list-style-type: none"> • Global Colon Cancer Association (GCCA) • Pharmaceutical Research and Manufacturers of America (PhRMA) <p>[PhRMA identified products; nine of following 10 products: Eliquis, Xarelto, Januvia, Jardiance, Imbruvica, Novolog, Xtandi, Enbrel, Myrbetriq, and Spiriva]</p>	<p>III. Fifth Amendment – Due Process</p>	<p>cross-MSJ due within 14 days of order on Motion to Dismiss</p> <ul style="list-style-type: none"> ○ Biosimilars Forum amicus brief filed in support of Plaintiffs' MSJ 8/25/23 ○ Fresenius Kabi amicus brief filed in support of Plaintiffs' MSJ 9/6/2323 <ul style="list-style-type: none"> • Defendants' <u>Motion to Dismiss</u> Filed 8/28/23 <ul style="list-style-type: none"> ○ Plaintiffs' Response filed 9/25/23 ○ Reply Brief filed 10/13/23
<p><i>Astellas Pharma US, Inc. v. HHS et al.</i></p> <ul style="list-style-type: none"> • N.D. Ill. (J. Bucklo) • 1:23cv4578 • Filed 7/14/23 	<ul style="list-style-type: none"> • Astellas Pharma US, Inc. (XTANDI®, MYRBETRIQ®) 	<p>I. Fifth Amendment – Uncompensated Takings</p> <p>II. Fifth Amendment – Due Process</p> <p>III. First Amendment – Compelled Speech</p>	<ul style="list-style-type: none"> • Plaintiff's Voluntary Dismissal Without Prejudice filed 9/6/23; case closed 9/7/23

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<p><i>Janssen Pharms., Inc. v. Becerra et al.</i></p> <ul style="list-style-type: none"> • D.N.J (J. Quraishi) • 3:23cv3818 • Filed 7/18/23 	<ul style="list-style-type: none"> • Janssen Pharmaceuticals, Inc. (XARELTO®) 	<ol style="list-style-type: none"> I. Fifth Amendment – Uncompensated Takings II. First Amendment – Compelled Speech III. Unconstitutional Condition on Medicare and Medicaid Participation 	<p>Coordinated with <i>BMS</i></p> <ul style="list-style-type: none"> • Plaintiffs' <u>Motion for Summary Judgment</u> filed 8/16/23; Defendants' Response and Cross-Motion for SJ filed 10/16; briefing on MSJ and cross-MSJ to be completed by 12/8/23 <ul style="list-style-type: none"> ○ Public Citizen, Patients for Affordable Drugs Now, Doctors for America, Protect Our Care, and Families USA motion for leave to file amicus brief ISO Defendants filed 10/17/23
<p><i>Boehringer Ingelheim Pharms., Inc. v. HHS et al.</i></p> <ul style="list-style-type: none"> • D. Conn. (J. Chatigny) • 3:23cv1103 • Filed 8/18/23 	<ul style="list-style-type: none"> • Boehringer Ingelheim Pharmaceuticals, Inc. (JARDIANCE®) 	<ol style="list-style-type: none"> I. Fifth Amendment – Due Process II. Fifth Amendment – Uncompensated Takings III. First Amendment – Compelled Speech IV. Eighth Amendment – Excessive Fines V. Unconstitutional Condition on Medicare and Medicaid Participation 	<ul style="list-style-type: none"> • Plaintiffs' <u>Motion for Summary Judgment</u> filed 9/27/23; briefing on MSJ and cross-MSJ to be completed by 2/12/24

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		<ul style="list-style-type: none"> VI. Violation of the APA and Medicare Statute 	
<p><i>AstraZeneca Pharmaceuticals LP v. Becerra et al.</i></p> <ul style="list-style-type: none"> • D. Del. (J. Connolly) • 1:23cv00931 • Filed 8/25/23 	<ul style="list-style-type: none"> • AstraZeneca Pharmaceuticals LP and AstraZeneca AB (FARXIGA®, LYNPARZA®, CALQUENCE®, SOLIRIS®) 	<ul style="list-style-type: none"> I. Violation of the APA – “Qualifying Single Source Drug” II. Violation of the APA – “Bona Fide Marketing” III. Fifth Amendment – Due Process 	<ul style="list-style-type: none"> • Plaintiffs’ Motion for Summary Judgment filed 9/26/23; briefing on dispositive motions to be completed by 1/5/24 <ul style="list-style-type: none"> ○ Oral argument scheduled for 1/31/24 ○ Joint request for decision on dispositive motions on or before March 1, 2024
<p><i>Novartis Pharmaceuticals Corp. v. Becerra et al.</i></p> <ul style="list-style-type: none"> • D.N.J. (J. Quraishi) • 2:23cv14221 • Filed 9/1/23 	<ul style="list-style-type: none"> • Novartis Pharmaceuticals Corp. (ENTRESTO®) 	<ul style="list-style-type: none"> I. Fifth Amendment – Uncompensated Takings II. Eighth Amendment – Excessive Fines III. First Amendment – Compelled Speech 	
<p><i>Novo Nordisk, Inc. et al. v. Becerra et al.</i></p> <ul style="list-style-type: none"> • D.N.J. • 3:23cv20814 • Filed 9/29/23 	<ul style="list-style-type: none"> • Novo Nordisk Inc., Novo Nordisk Pharma, Inc. (NovoLog®, NovoLog® FlexPen®, NovoLog® PenFill®, 	<ul style="list-style-type: none"> I. Separation of Powers and Due Process II. First Amendment – Compelled Speech 	

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	FIASP [®] , FIASP [®] Flextouch [®] , and FIASP [®] Penfill [®])	III. Violation of APA and Medicare Statutes IV. Ultra Vires and Unlawful Conduct by CMS	