

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: INSULIN PRICING LITIGATION**

**Case No. 2:23-md-03080 (BRM)(RLS)  
MDL No. 3080**

**THIS DOCUMENT RELATES TO: ALL  
CASES**

**JUDGE BRIAN R. MARTINOTTI  
JUDGE RUKHSANAH L. SINGH**

**CASE MANAGEMENT ORDER #6**

**(STIPULATION AND ORDER GOVERNING MOTIONS TO DISMISS IN THE  
SELF-FUNDED PAYER TRACK)**

The Parties hereby submit the following Stipulation and Order Governing Motions to Dismiss in the Self-Funded Payer Track:

1) The Parties will brief motions to dismiss concerning the following three cases selected by Defendants, without objection from Plaintiffs as to Defendants' selections, in the Self-Funded Payer Track: *County of Albany v. Eli Lilly and Co., et al.*, No. 23-cv-07042 (D.N.J.); *Lake County, Illinois v. Eli Lilly and Co., et al.*, No. 23-cv-08487 (D.N.J.); and *King County v. Eli Lilly and Co., et al.*, No. 23-cv-21178 (D.N.J.) ("SFP Motion to Dismiss Actions").

2) Each of the Albany County, Lake County, and King County Plaintiffs may file an amended complaint. Any such amended complaint must be filed by April 24, 2024.

3) The Manufacturer Defendants will file one consolidated motion to dismiss all three SFP Motion to Dismiss Actions, not to exceed 50 pages. The PBM Defendants will file one consolidated motion to dismiss all three SFP Motion to Dismiss Actions, not to exceed 50 pages. Defendants' motions to dismiss are due on June 10, 2024.

4) The Albany County, Lake County, and King County Plaintiffs will jointly file a consolidated opposition to each motion. The oppositions will not exceed 50 pages. Plaintiffs'

oppositions are due July 25, 2024.

5) The Manufacturer Defendants will file one consolidated reply in support of their motion to dismiss, not to exceed 25 pages. The PBM Defendants will file one consolidated reply in support of their motion to dismiss, not to exceed 25 pages. Defendants' replies are due August 15, 2024.

6) All briefing will be exchanged among the Parties on the appointed dates, and then submitted to the Court as one omnibus packet following service of the replies.

Stipulated and agreed to by the Parties on April 1, 2024.

By: /s David R. Buchanan  
David R. Buchanan, Esq.  
**SEEGER WEISS LLP**

Mark P. Pifko, Esq.  
**BARON & BUDD, P.C.**

Brandon L. Bogle, Esq.  
**LEVIN, PAPANTONIO, RAFFERTY,  
PROCTOR, BUCHANAN, O'BRIEN, BARRY,  
MOUGEY, P.A.**

Benjamin J. Widlanski, Esq.  
**KOZYAK TROPIN & THROCKMORTON, LLP**

*Co-Lead Counsel for Self-Funded Payer  
Track*

/s Melissa A. Geist  
Melissa A. Geist, Esq.  
Julia Alejandra Lopez, Esq.  
**REED SMITH, LLP**

James F. Hurst, Esq.  
Andrew A. Kassof, Esq.  
Diana M. Watral, Esq.  
Ryan Moorman, Esq.  
Jason A. Feld, Esq.  
**KIRKLAND & ELLIS LLP**

*Counsel for Eli Lilly and Company*

/s Neal A. Potischman  
Clement J. Farley, Esq.  
Brian W. Carroll, Esq.  
**MCCARTER & ENGLISH**

Neal A. Potischman, Esq.  
Andrew Yaphe, Esq.  
James P. Rouhandeh, Esq.  
David B. Toscano, Esq.  
Patrick W. Blakemore, Esq.  
**DAVIS POLK & WARDWELL LLP**

*Counsel for Novo Nordisk Inc.*

/s/ Liza M. Walsh

Liza M. Walsh, Esq.  
Katelyn O'Reilly, Esq.  
Lauren Ruth Marakoff, Esq.  
Selina Ellis, Esq.

**WALSH PIZZI O'REILLY FALANGA LLP**

Michael R. Shumaker, Esq.  
Julie E. McEvoy, Esq.  
William D. Coglianese, Esq.  
Melissa L. Patterson, Esq.  
Elizabeth Fassih, Esq.

**JONES DAY**

*Counsel for Sanofi-Aventis U.S. LLC*

/s/ Drew Cleary Jordan

Drew Cleary Jordan, Esq.  
Jason R. Scherr, Esq.  
Patrick A. Harvey, Esq.  
Lindsey T. Levy, Esq.  
Katherine A. Vaky, Esq.

**MORGAN, LEWIS & BOCKIUS LLP**

*Counsel for Evernorth Health, Inc.  
(formerly known as Express Scripts Holding  
Company), Express Scripts, Inc., Express  
Scripts Administrators, LLC, ESI Mail  
Pharmacy Service, Inc., Express Scripts  
Pharmacy, Inc., and Medco Health  
Solutions, Inc.*

Dated: April 3, 2024

/s/ Thomas P. Scrivo

Thomas P. Scrivo, Esq.  
Young Yu, Esq.  
**O'TOOLE SCRIVO, LLC**

Brian D. Boone, Esq.  
Michael R. Hoernlein, Esq.  
Elizabeth Broadway Brown, Esq.  
D. Andrew Hatchett, Esq.  
Jordan E. Edwards, Esq.  
Ashley Escoe, Esq.  
Kelley Connolly Barnaby, Esq.  
Jean E. Richmann, Esq.  
**ALSTON & BIRD**

*Counsel for OptumRx, Inc.*

/s/ John D. Tortorella

Kevin H. Marino, Esq.  
John D. Tortorella, Esq.  
**MARINO, TORTORELLA & BOYLE, P.C.**

Enu Mainigi, Esq.  
Craig Singer, Esq.  
R. Kennon Poteat III, Esq.  
A. Joshua Podoll, Esq.  
Daniel Dockery, Esq.  
Alexander Gazikas, Esq.  
Lori Interlicchio, Esq.  
**WILLIAMS & CONNOLLY LLP**

*Counsel for CVS Health  
Corporation, CaremarkPCS Health  
LLC, Caremark LLC, Caremark Rx LLC*

**IT IS SO ORDERED.**

/s/ Brian R. Martinotti

**BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**