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April 29, 2020

**BY ECF**

Hon. Brian R. Martinotti, U.S.D.J.  
Hon. Lois H. Goodman, U.S.M.J.  
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse  
402 E. State Street  
Trenton, New Jersey 08608

Re: *In re Insulin Pricing Litigation*, No. 17-cv-699 – Plaintiffs’ response to defendants’ letter regarding plaintiffs’ proposal for a bellwether plan

Dear Judge Martinotti and Judge Goodman:

Plaintiffs introduced the idea of using bellwethers in this case to defendants nearly two months ago. Plaintiffs first submitted their proposal, in writing, during negotiations on a joint schedule.<sup>1</sup> Then, the parties separately discussed the issue in multiple meet-and-confers (as conceded by defendants in a footnote<sup>2</sup> and evidenced by emails exchanged by the parties).<sup>3</sup> And, finally, plaintiffs sent defense counsel examples of case management orders implementing bellwethers in mid-March.<sup>4</sup> Throughout this process defendants never wavered in their opposition. So defendants’ suggestion that plaintiffs “did not attempt to confer”<sup>5</sup> about the proposal is inaccurate and, frankly, misleading.

No less incorrect is defendants’ characterization of the proposal as an end-run around the requirements of Rule 23. The Federal Rules may outline the criteria necessary to certify a single-state class action. But they do not require this Court to hear class certification motions on all 50-states simultaneously. To be clear: whether plaintiffs

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<sup>1</sup> Ex. 1 (Pls.’ Proposed Schedule (Mar. 10, 2020)).

<sup>2</sup> Defs.’ Resp. to Pls.’ Bellwether Proposal at 1-2 n.2 (ECF. No. 332).

<sup>3</sup> Ex. 2 (Email chain between H. Brennan and M. Patterson).

<sup>4</sup> Ex. 2 (Email chain between H. Brennan and M. Patterson).

<sup>5</sup> Defs.’ Resp. to Pls.’ Bellwether Proposal at 1 n.2 (ECF. No. 332).

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move to certify classes in three states or 50, they intend to prove the requirements imposed by the Federal Rules. Plaintiffs only ask the Court to exercise its “power to fashion case management orders and structure discovery” in a way that will “enable [this] case[] to continue efficiently through the litigation process.”<sup>6</sup>

**I. As *Caterpillar* demonstrates, this Court has used bellwethers to efficiently conduct discovery and resolve the claims of different state class actions.**

The defendants are wrong: both this Court and others have used a bellwether approach to address a single putative, nationwide class action. That courts often use bellwether procedures to manage mass tort actions does not negate the reality that courts *also* use them to manage discovery and trial in class actions.

The defendants completely ignore *In re Caterpillar Inc.*<sup>7</sup>— a *class action* litigated in *this Court* using a *bellwether approach*. So defendants’ statement that “plaintiffs cannot cite a single instance in which any judge of this Court has adopted a bellwether for a case like this”<sup>8</sup> is simply untrue. In *Caterpillar*, purchasers of C13 bus engines and C15 truck engines sued the manufacturers in a number of different districts, and those complaints were consolidated as a MDL in this Court.<sup>9</sup> At the plaintiffs’ request, this Court adopted a bellwether approach, allowing certain state law claims to be litigated first.<sup>10</sup> Because the parties had already conducted discovery for these claims and states before consolidation, this Court’s bellwether approach restricted discovery to certain states initially. This case provides precedent for the plaintiffs’ request.

That the *Caterpillar* matter was consolidated as an MDL, while this matter was not, is a distinction without difference. Here, as in *Caterpillar*, multiple plaintiff groups filed complaints in different districts.<sup>11</sup> Although these complaints were related, they named

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<sup>6</sup> *Morgan v. Ford Motor Co.*, No. 06-1080-JAP, 2007 WL 1456154, at \*6 (D.N.J. May 17, 2007).

<sup>7</sup> 67 F. Supp. 3d 663, 666 (D.N.J. 2014).

<sup>8</sup> Defs.’ Resp. to Pls.’ Bellwether Proposal at 3 (Dkt. No. 332).

<sup>9</sup> *In re Caterpillar Inc.*, Case No. 1:14-cv-03722-JBS-JS, ECF No. 1 (D.N.J. June 11, 2014).

<sup>10</sup> *Caterpillar*, 67 F. Supp. 3d at 666.

<sup>11</sup> The first *Insulin Pricing* complaint was filed in Massachusetts, and the subsequent actions were filed in New Jersey after the Massachusetts complaint was voluntarily re-filed in New Jersey. See *Class Action Complaint, Donald Chaires, et al. v. Sanofi U.S., et al.*, 1:17-cv-10158, ECF No. 1 (D. Mass. Jan. 30, 2017) (first-filed *Chaires* class action complaint); Plaintiffs’ Rule 41(a)(1)(A)(i) Notice of Dismissal, *Donald Chaires, et al. v. Sanofi*

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different defendants and set forth claims based on varying legal theories.<sup>12</sup> The only reason the *Insulin* complaints were not consolidated through the MDL mechanism is because the plaintiffs voluntarily decided to re-file their actions in this Court. Thus, there is no substantive difference between the class actions here and those in *Caterpillar*—this action could just have easily proceeded as an MDL.

Defendants attempt to distinguish *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, & Products Liability Litigation*<sup>13</sup> based on the same meaningless distinction: *Toyota* was consolidated as an MDL, this case was not. Defendants rely on the fact that there were a number of ‘different’ class actions at issue in *Toyota* to obscure the relevant reality: the *Toyota* court still implemented a bellwether approach for *individual*, putative class actions. The bellwether order that the plaintiffs attached to their original letter (Exhibit 1) implements a bellwether approach for the “Economic Loss Class Plaintiffs.” Here, just as in *Toyota*, consumer plaintiffs filed “claims based on varying legal theories.”<sup>14</sup> And here, just as in *Toyota*, the consumer plaintiffs consolidated their claims into a single, nationwide class action complaint.<sup>15</sup> Thus, the impact of a bellwether approach to this litigation would be no different than that implemented for the Economic Loss Class Plaintiffs in *Toyota*.

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*U.S., et al.*, 1:17-cv-10158, ECF No. 6 (D. Mass. Feb. 2, 2017) (voluntary dismissal of *Chaires* class action complaint); Complaint, *Donald Chaires, et al. v. Novo Nordisk Inc. (Chaires)*, 3:17-cv-00699-BRM-LHG, ECF No. 1 (D.N.J. Feb. 2, 2017) (original *Chaires* class action re-filed in this Court); Complaint, *Hector Valdes v. Sanofi-Aventis U.S., LLC., et al. (Valdes)*, 3:17-cv-00939-BRM-LHG, ECF No. 1 (D.N.J. Feb. 13, 2017); Complaint, *Frank Barnett, et al. v. Novo Nordisk Inc., et al. (Barnett)*, 3:17-cv-01580-BRM-LHG, ECF No. 1 (D.N.J. Mar. 8, 2017); Class Action Complaint, *Julia Boss, et al. v. CVS Health Corp., et al. (Boss)*, 3:17-cv-01823-BRM-LHG, ECF No. 1 (D.N.J. Mar. 17, 2017); Complaint, *Scott Christensen, et al. v. Novo Nordisk Inc. (Christensen)*, 3:17-cv-02678-BRM-LHG, ECF No. 1 (D.N.J. Apr. 20, 2017); Complaint, *Michael J. Carfagno v. Novo Nordisk Inc. (Carfagno)*, 3:17-cv-03407-BRM-LHG, ECF No. 1 (D.N.J. May 12, 2017).

<sup>12</sup> Compare *Chaires* (naming only the insulin manufacturers as defendants and setting forth only RICO and state consumer protection law claims), *Valdes* (same), *Carfagno* (same) with *Barnett* (naming both the insulin manufacturers and major Pharmacy Benefit Managers as defendants and setting forth claims under RICO, the Sherman Act, and state consumer protection law), *Boss* (same), *Christensen* (same).

<sup>13</sup> Order No. 17: Class Discovery Plan and Schedule at 3, *In re Toyota Motor Corp. Unintended Acceleration Mktg, Sales Practices, & Prods. Liab. Litig.*, MDL No. 2151, Dkt. No. 1955 (C.D. Cal. Nov. 9, 2011) (attached as Ex. 1).

<sup>14</sup> Defs.’ Resp. to Pls.’ Bellwether Proposal at 3 (Dkt. No. 332).

<sup>15</sup> Economic Loss Master Consolidated Complaint, *In re Toyota Motor Corp. Unintended Acceleration Mktg, Sales Practices, & Prods. Liab. Litig.*, MDL No. 2151, Dkt. No. 263 (C.D. Cal. Nov. 9, 2011) (“Plaintiffs bring this action on behalf of themselves and a Nationwide Consumer Class”).

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As for *AWP*, plaintiffs attempt to avoid the unnecessary work conducted in *AWP* by proposing a bellwether approach now — at the outset of discovery — rather than after class certification. As the defendants point out, the *AWP* court denied certification of a nationwide class and *then* certified a Massachusetts class for a bellwether trial. This bellwether trial demonstrated that certification of a single class across more than 30 states was possible. The plaintiffs propose the bellwether now so that this Court can capitalize on the same efficiencies the Massachusetts bellwether eventually permitted in *AWP*, while avoiding the discovery disputes and class certification complexities attendant to a class action with hundreds of plaintiffs and dozens of state law claims.

Finally, the defendants ignore *In re General Motors LLC Ignition Switch Litigation*, where, after “a handful of lengthy rulings on the viability of Plaintiffs’ claims under federal law and the laws of various jurisdictions,” the Court and plaintiffs ultimately “selected three ‘bellwether’ states — California, Missouri, and Texas — for summary judgment, class certification, and *Daubert* motion practice.”<sup>16</sup> Again, this case provides precedent for the plaintiffs’ request.

## **II. In litigation involving 99 plaintiffs across 37 states, limiting plaintiff-side discovery will create significant efficiencies.**

In an attempt to downplay the usefulness of a three-state bellwether, the defendants claim that because they will produce the majority of discovery in this matter, there’s little to be gained from using bellwethers. Yet simply because the defendants will produce a greater *volume* of document discovery, does not mean that the discovery *burdens* fall entirely on them. Coordinating document collections and depositions for 99 plaintiffs—most of whom have no experience in litigation and many of whom are very sick or elderly—is challenging and requires significant effort.

Still, even ignoring the disparity in sophistication between the parties, it is not difficult to see what’s gained by plaintiffs’ proposal:

- It will be less difficult and expensive to accomplish 13 plaintiff depositions in three states than 99 depositions across 37 states;
- It will be more manageable to collect receipts, emails, and document

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<sup>16</sup> 407 F. Supp. 3d 212, 217 (S.D.N.Y. 2019).

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discovery from 13 plaintiffs than 99 plaintiffs;

- It will be easier to brief and decide a class certification motion involving the laws of three states rather than 37.

These realities demonstrate the greater ease and efficiency of a bellwether approach.

Likewise, defendants' suggestion that bellwethers will somehow 'create' delay lacks any foundation in reality. Defendants surmise that, following the bellwether trials, the parties would just "return to fact discovery and start at square one on another set of states."<sup>17</sup> But that much could be said for any bellwether – class action or not. And yet that never happens. Because, in practice, if the remaining cases do not resolve outside of court before trial, they almost certainly will *after three jury verdicts affecting tens of millions of class members*.

Finally, because the "defendants are puzzled by plaintiffs' suggestion that their proposal alleviates" some of the risks COVID-19 presents, a word on this point is necessary. The class representatives are at elevated risk of dying from COVID-19 until a vaccine becomes available. Current best estimates for a vaccine render it highly unlikely that they will be vaccinated before depositions occur in February 2021.<sup>18</sup> Although plaintiffs' counsel proposed New Jersey, Massachusetts, and California for primarily legal reasons, the primary attorneys who will defend plaintiff depositions reside or have offices in those states. As a result, they could quarantine for two weeks before assisting any plaintiff to set up and participate in a remote deposition.

Plaintiffs' proposal would streamline discovery and class certification proceedings. It would alleviate burdens on the parties and crystalize common issues. And the resolution of three state law claims would inevitably promote settlement and resolution of the remaining states. These are the very goals of bellwethers. And they remain just as viable in the class action context.

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<sup>17</sup> Defs.' Resp. to Pls.' Bellwether Proposal at 6 (Dkt. No. 332).

<sup>18</sup> "Realistically, SARS-CoV-2 vaccines will not be available for another 12–18 months," and it will take another one to two months to administer the vaccine because two vaccinations spaced 3–4 weeks apart are likely necessary. Fatima Amanat & Florian Krammer, *SARS-CoV-2 Vaccines: Status Report*, 52 IMMUNITY 583, 586–87 (Apr. 14, 2020).

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Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

CARELLA, BYRNE, CECCHI, OLSTEIN,  
BRODY & AGNELLO, P.C.,

/s/ Steve W. Berman

/s/ James E. Cecchi

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Steve W. Berman

\_\_\_\_\_  
James E. Cecchi

*Interim co-lead counsel for plaintiffs*

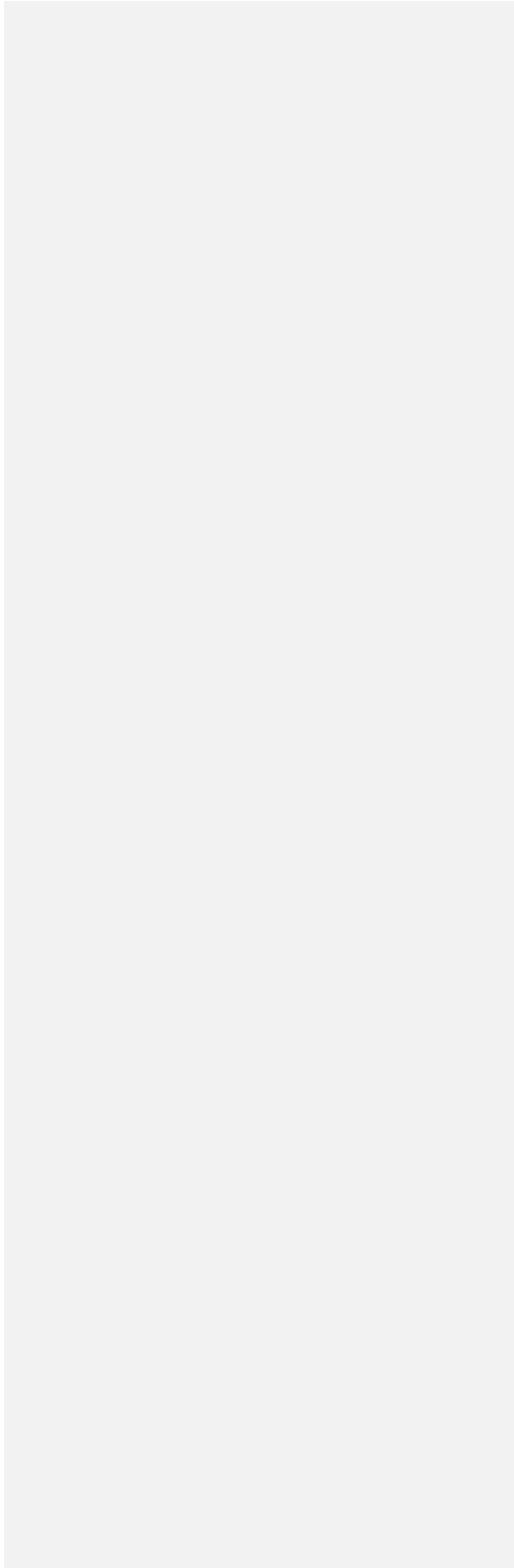
# Exhibit 1

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

**IN RE INSULIN PRICING LITIGATION**

Civil Action No. 17-699(BRM)(LHG)

**[PROPOSED] CASE MANAGEMENT ORDER NO. 1:  
SCHEDULE AND DISCOVERY**





As ordered by the Court, the following case management provisions shall govern the litigation of these actions:

**I. GENERAL DISCOVERY GUIDELINES**

Commented [A1]: Defendants to propose revised edits.

EVENT	PROPOSAL
<b>Limitations on discovery.</b>	Discovery shall not deviate from the limitations set forth in Federal Rule of Civil Procedure 26 and the Local Rules, except as described below.
<b>Interrogatories</b>	<p>The parties agree that the Court should permit plaintiffs collectively to propound 30 interrogatories per defendant.</p> <p>The plaintiffs propose that the Court should permit the defendants to propound 7 interrogatories total in addition to a Plaintiff Fact Sheet that each plaintiff must fill out.</p>
<b>Requests for Admissions</b>	No limits, except as otherwise provided for by Federal and Local Rules.
<b>Depositions</b>	<p>Plaintiffs believe that the Court should permit them to take a maximum of 50 depositions across all defendants, and that the Court should permit defendants to take a single deposition of each plaintiff from 3 states each party chooses (6 states total) for a bellweather trial.</p> <p>The parties agree that these limits are subject to additional depositions for good cause shown, and shall not include depositions of experts or third-parties.</p>
<b>Non-Party Depositions</b>	The noticing party may depose a non-party for up to six hours. The non-noticing party shall have up to one hour of examination. In the event any plaintiff and any defendant subpoena the same non-party deponent, plaintiffs as a group and the defendant will each have three and a half hours of examination time. If one side does not use its full allotted time, the opposing side may use the remaining time for its examination. Notwithstanding the forgoing, the parties reserve their right to seek additional time to depose any non-party witness.
<b>Time and Place of Depositions</b>	The parties agree they will schedule depositions cooperatively and try to minimize inconvenience to witnesses and counsel. If the witness resides within the United States, the deposition will be held in a location convenient to the witness within the United States. If the witness is located outside the United States, the parties will endeavor to conduct the deposition in the United States, with the parties sharing

Commented [A2]: Defendants to propose revised language

	equitably the witness's out-of-pocket costs of travel.
<b>Scheduling of Depositions</b>	When a party requests deposition dates for a witness, counsel representing that witness shall, within 10 days, provide two dates on which the witness may be deposed. Those two dates shall fall within 14 days of the date identified in the deposition request absent extraordinary circumstances.

Commented [A3]: Defendants to propose revised language

**II. SCHEDULE**

DATE	EVENT
December 2, 2019	Fact discovery began.
December 20, 2019	Parties served initial Rule 34 requests for production.
March 23, 2020	Telephonic Status Conference
April 20, 2020	Defendants' deadline to answer plaintiffs' complaint.
May 15, 2020	Parties submit protocol on showing highly confidential documents to witnesses or briefing as to disagreement.
March 12, 2021	Parties certify that production of documents responsive to initial discovery requests is substantially complete.
March 12, 2021	Deadline to amend pleadings to add parties, except upon a showing of good cause.
April 26, 2021	Parties exchange final privilege logs for productions responsive to initial discovery requests.
June 16, 2021	Deadline to amend pleadings or to add claims or defenses, except upon a showing of good cause.
June 16, 2021	Deadline to propound Requests for Production.
July 14, 2021	Plaintiff class certification expert disclosure date.
August 4, 2021	Substantial completion of fact discovery. All discovery requests must be served to be answerable by this date.
August 4, 2021	Plaintiffs move for class certification and serve any supporting expert reports.
September 20, 2021	Parties exchange final privilege logs.
October 4, 2021	Deadline to depose class certification experts.
October 4, 2021	Defendant class certification expert disclosure date.
October 25, 2021	Defendants oppose class certification and serve opposing expert reports.
December 13, 2021	Plaintiffs' rebuttal expert disclosure date.

**Commented [A4]:** Plaintiffs can accept the defendants' deadline to add new parties, in the interest of ensuring the defendants can depose the relevant plaintiffs before class certification, but we would like more time to review your documents before our deadline to amend all pleadings, claims, or defenses.

**Commented [A5]:** This deadline is set out in the Privilege Log Protocol (and the parties have agreed to this provision: all privilege logs must be produced with 45 days of the substantial completion deadline).

**Commented [A6]:** This is 21-days prior to the deadline for plaintiffs' motion for class certification, as defendants proposed.

**Commented [A7]:** This is our handling of the point that there may be discovery needed post certification aimed at completing expert work.

**Commented [A8]:** We moved this date up slightly so that plaintiffs will not be deposing your experts over the holidays (which we think they would appreciate).

**Commented [A9]:** This is 60-days after to the deadline for plaintiffs' motion for class certification, as defendants proposed.

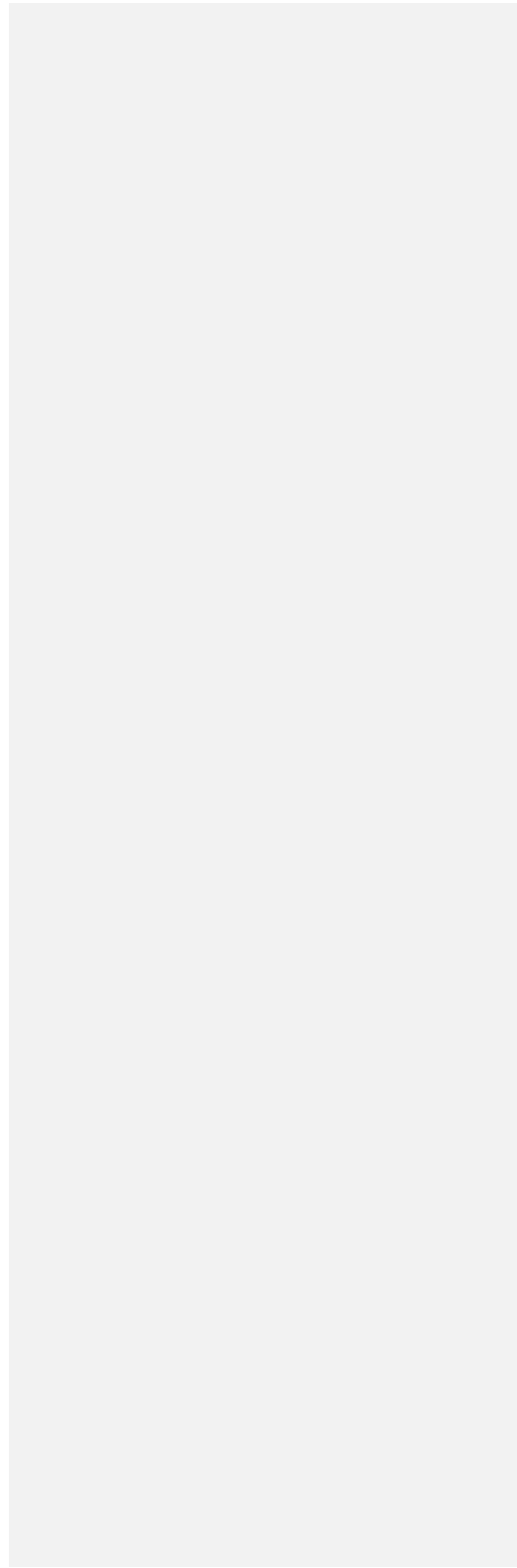
December 14, 2021	Deadline to depose class certification opposition experts.
December 23, 2021	Plaintiffs' reply in support of class certification and service of rebuttal class certification expert.
February 11, 2022	Deadline to depose Plaintiffs' rebuttal class certification experts (if any plaintiffs plan to use any new experts who did not submit opening class certification reports).
Date to be set by the Court	Class certification hearing.
21 days following a decision on class certification	Parties to submit a schedule for merits expert reports, Rule 56 and <i>Daubert</i> motions, and trial.

Commented [A10]: Plaintiffs' position is that defendants only get to depose each class certification expert once.

**SO ORDERED.**

Dated: \_\_\_\_\_, 2020

\_\_\_\_\_  
The Honorable Brian R. Martinotti  
United States District Court Judge



## Exhibit 2

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**From:** Hannah Brennan <hannahb@hbsslaw.com>  
**Sent:** Wednesday, March 18, 2020 6:24 PM  
**To:** Patterson, Melissa L.; Melissa Geist; khaley@cov.com; Henry Liu; rmowery@cov.com; kpaley@cov.com; Neal Potischman; Andrew Yaphe; mrshumaker@jonesday.com; Julie McEvoy; Theresa Coughlin; William Coglianese; sfranklin@jonesday.com; Christopher Walsh; Calvin May; gsirwin@jonesday.com; nconneely@cov.com; koreilly@walsh.law; kromano@walsh.law; Liza Walsh; ssuwanda@cov.com; Julia Lopez  
**Cc:** Steve Berman; Mark Vazquez; James Cecchi; Lindsey H. Taylor; Donald A. Ecklund; Mark M. Makhail; Thomas Sobol; Robert Haegele  
**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule  
**Attachments:** 08-30-17 Order No. 131 Amending Schedule for Motion Practice\_ Discovery\_....pdf

Hi Melissa,

Any updates on the schedule?

Attached is one example of a bellweather order. We will get you others from *AWP* and the *Toyota* litigation shortly.

Thanks,

Hannah

Hannah Brennan | **Hagens Berman Sobol Shapiro LLP** | Direct: (617) 475-1968

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**From:** Patterson, Melissa L. [mailto:mllim@jonesday.com]  
**Sent:** Tuesday, March 17, 2020 4:58 PM  
**To:** Hannah Brennan <hannahb@hbsslaw.com>; Melissa Geist <MGeist@ReedSmith.com>; khaley@cov.com; Henry Liu <hliu@cov.com>; rmowery@cov.com; kpaley@cov.com; Neal Potischman <Neal.Potischman@davispolk.com>; Andrew Yaphe <Andrew.yaphe@davispolk.com>; mrshumaker@jonesday.com; Julie McEvoy <jmcevoy@jonesday.com>; tcoughlin@jonesday.com; William Coglianese <wcoglianese@jonesday.com>; sfranklin@jonesday.com; Christopher Walsh <CWalsh@gibbonslaw.com>; Calvin May <CMay@gibbonslaw.com>; gsirwin@jonesday.com; nconneely@cov.com; koreilly@walsh.law; kromano@walsh.law; Liza Walsh <lwalsh@walsh.law>; ssuwanda@cov.com; Julia Lopez <JaLopez@ReedSmith.com>  
**Cc:** Steve Berman <Steve@hbsslaw.com>; Mark Vazquez <markv@hbsslaw.com>; James Cecchi <jcecchi@carellabyrne.com>; Lindsey H. Taylor <ltaylor@carellabyrne.com>; DEcklund@carellabyrne.com; Mark Makhail <MMakhail@carellabyrne.com>; Thomas Sobol <Tom@hbsslaw.com>; Robert Haegele <Robert@hbsslaw.com>  
**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule

Thank you for this, Hannah. We will get back to you with our thoughts as soon as we're able.

One item to follow up on—Steve mentioned on the call that he would circulate orders related to the bellwether issue for our consideration. Would you please send those our way today as well? Thanks!

Melissa Lim Patterson  
Associate  
**JONES DAY® - One Firm Worldwide<sup>SM</sup>**  
51 Louisiana Ave., N.W.

Washington, D.C. 20001  
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**From:** Hannah Brennan <[hannahb@hbsslaw.com](mailto:hannahb@hbsslaw.com)>  
**Sent:** Tuesday, March 17, 2020 4:15 PM  
**To:** Patterson, Melissa L. <[mhim@jonesday.com](mailto:mhim@jonesday.com)>; [MGeist@ReedSmith.com](mailto:MGeist@ReedSmith.com); Haley (External), Kyle <[khaley@cov.com](mailto:khaley@cov.com)>; [hliu@cov.com](mailto:hliu@cov.com); [RMowery@cov.com](mailto:RMowery@cov.com); [kpaley@cov.com](mailto:kpaley@cov.com); Potischman (External), Neal <[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)>; Yaphe (External), Andrew <[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com)>; Shumaker, Michael R. <[mrshumaker@JonesDay.com](mailto:mrshumaker@JonesDay.com)>; McEvoy, Julie E. <[jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com)>; Coughlin, Theresa M. <[tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com)>; Coglianesi, William D. <[wcoglianesi@jonesday.com](mailto:wcoglianesi@jonesday.com)>; Franklin, Shirlethia V. <[sfranklin@jonesday.com](mailto:sfranklin@jonesday.com)>; [CWalsh@gibbonslaw.com](mailto:CWalsh@gibbonslaw.com); [CMay@gibbonslaw.com](mailto:CMay@gibbonslaw.com); Irwin, Geoffrey S. <[gsirwin@JonesDay.com](mailto:gsirwin@JonesDay.com)>; Conneely (External), Nora <[NConneely@cov.com](mailto:NConneely@cov.com)>; [KOREilly@walsh.law](mailto:KOREilly@walsh.law); [KRomano@walsh.law](mailto:KRomano@walsh.law); [lwalsh@walsh.law](mailto:lwalsh@walsh.law); Suwanda (External), Sarah <[ssuwanda@cov.com](mailto:ssuwanda@cov.com)>; [jalopez@reedsmith.com](mailto:jalopez@reedsmith.com)  
**Cc:** [steve@hbsslaw.com](mailto:steve@hbsslaw.com); [markv@hbsslaw.com](mailto:markv@hbsslaw.com); [jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com); [ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com); [decklund@carellabyrne.com](mailto:decklund@carellabyrne.com); [mmakhail@carellabyrne.com](mailto:mmakhail@carellabyrne.com); [Tom@hbsslaw.com](mailto:Tom@hbsslaw.com); [robert@hbsslaw.com](mailto:robert@hbsslaw.com)  
**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule

Counsel,

Attached are the plaintiffs' edits to the defendants' redlines of the plaintiffs' version of the schedule. We accepted most of your edits, and then made our own tweaks. We are passing along a clean version because it is much easier to read. However, we noted where / how we made changes so that you can track them more easily.

Please let us know your thoughts.

Thanks,

Hannah

Hannah Brennan | **Hagens Berman Sobol Shapiro LLP** | Direct: (617) 475-1968

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**From:** Patterson, Melissa L. [<mailto:mhim@jonesday.com>]  
**Sent:** Friday, March 13, 2020 5:28 PM  
**To:** Melissa Geist <[MGeist@ReedSmith.com](mailto:MGeist@ReedSmith.com)>; Hannah Brennan <[hannahb@hbsslaw.com](mailto:hannahb@hbsslaw.com)>; [khaley@cov.com](mailto:khaley@cov.com); Henry Liu <[hliu@cov.com](mailto:hliu@cov.com)>; [rmowery@cov.com](mailto:rmowery@cov.com); [kpaley@cov.com](mailto:kpaley@cov.com); Neal Potischman <[Neal.Potischman@davispolk.com](mailto:Neal.Potischman@davispolk.com)>; Andrew Yaphe <[Andrew.yaphe@davispolk.com](mailto:Andrew.yaphe@davispolk.com)>; [mrshumaker@jonesday.com](mailto:mrshumaker@jonesday.com); Julie McEvoy <[jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com)>; [tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com); William Coglianesi <[wcoglianesi@jonesday.com](mailto:wcoglianesi@jonesday.com)>; [sfranklin@jonesday.com](mailto:sfranklin@jonesday.com); Christopher Walsh <[CWalsh@gibbonslaw.com](mailto:CWalsh@gibbonslaw.com)>; Calvin May <[CMay@gibbonslaw.com](mailto:CMay@gibbonslaw.com)>; [gsirwin@jonesday.com](mailto:gsirwin@jonesday.com); [nconneely@cov.com](mailto:nconneely@cov.com); [koreilly@walsh.law](mailto:koreilly@walsh.law); [kromano@walsh.law](mailto:kromano@walsh.law); Liza Walsh <[lwalsh@walsh.law](mailto:lwalsh@walsh.law)>; [ssuwanda@cov.com](mailto:ssuwanda@cov.com)  
**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Mark Vazquez <[markv@hbsslaw.com](mailto:markv@hbsslaw.com)>; James Cecchi <[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)>; Lindsey H. Taylor <[ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com)>; [DEcklund@carellabyrne.com](mailto:DEcklund@carellabyrne.com); Mark Makhail <[MMakhail@carellabyrne.com](mailto:MMakhail@carellabyrne.com)>; Thomas Sobol <[Tom@hbsslaw.com](mailto:Tom@hbsslaw.com)>; Robert Haegele <[Robert@hbsslaw.com](mailto:Robert@hbsslaw.com)>; Julia Lopez <[JaLopez@ReedSmith.com](mailto:JaLopez@ReedSmith.com)>  
**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule

Hi Hannah,

As promised, here is a redline of Plaintiffs' proposed joint discovery schedule. We are available on Monday, March 16 between 4–5 PM EST for a meet and confer. Please let us know if that works for your team, and we will circulate a calendar invite.



Best,  
Melissa

Melissa Lim Patterson  
Associate  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
51 Louisiana Ave., N.W.  
Washington, D.C. 20001  
Office +1.202.879.4271  
[mlim@jonesday.com](mailto:mlim@jonesday.com)

---

**From:** Geist, Melissa A. <[MGeist@ReedSmith.com](mailto:MGeist@ReedSmith.com)>  
**Sent:** Thursday, March 12, 2020 10:41 AM  
**To:** Hannah Brennan <[hannahb@hbsslaw.com](mailto:hannahb@hbsslaw.com)>; Patterson, Melissa L. <[mlim@jonesday.com](mailto:mlim@jonesday.com)>; Haley (External), Kyle <[khaley@cov.com](mailto:khaley@cov.com)>; [hliu@cov.com](mailto:hliu@cov.com); [RMowery@cov.com](mailto:RMowery@cov.com); [kpaley@cov.com](mailto:kpaley@cov.com); Potischman (External), Neal <[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)>; [andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com); Shumaker, Michael R. <[mrshumaker@JonesDay.com](mailto:mrshumaker@JonesDay.com)>; McEvoy, Julie E. <[jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com)>; Coughlin, Theresa M. <[tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com)>; Coglianesse, William D. <[wcoglianese@jonesday.com](mailto:wcoglianese@jonesday.com)>; Franklin, Shirlethia V. <[sfranklin@jonesday.com](mailto:sfranklin@jonesday.com)>; [CWalsh@gibbonslaw.com](mailto:CWalsh@gibbonslaw.com); [CMay@gibbonslaw.com](mailto:CMay@gibbonslaw.com); Irwin, Geoffrey S. <[gsirwin@JonesDay.com](mailto:gsirwin@JonesDay.com)>; Conneely (External), Nora <[NConneely@cov.com](mailto:NConneely@cov.com)>; [KOREilly@walsh.law](mailto:KOREilly@walsh.law); [KRomano@walsh.law](mailto:KRomano@walsh.law); [lwalsh@walsh.law](mailto:lwalsh@walsh.law); Suwanda (External), Sarah <[ssuwanda@cov.com](mailto:ssuwanda@cov.com)>  
**Cc:** [steve@hbsslaw.com](mailto:steve@hbsslaw.com); [markv@hbsslaw.com](mailto:markv@hbsslaw.com); [jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com); [ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com); [decklund@carellabyrne.com](mailto:decklund@carellabyrne.com); [mmakhail@carellabyrne.com](mailto:mmakhail@carellabyrne.com); [Tom@hbsslaw.com](mailto:Tom@hbsslaw.com); [robert@hbsslaw.com](mailto:robert@hbsslaw.com); Lopez, Julia A. <[JaLopez@ReedSmith.com](mailto:JaLopez@ReedSmith.com)>  
**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule

Thanks, Hannah. We will confer on schedules and get back to you with some available dates.

Melissa

---

**From:** Hannah Brennan <[hannahb@hbsslaw.com](mailto:hannahb@hbsslaw.com)>  
**Date:** Thursday, Mar 12, 2020, 10:19 AM  
**To:** Geist, Melissa A. <[MGeist@ReedSmith.com](mailto:MGeist@ReedSmith.com)>, [mlim@jonesday.com](mailto:mlim@jonesday.com) <[mlim@jonesday.com](mailto:mlim@jonesday.com)>, [khaley@cov.com](mailto:khaley@cov.com) <[khaley@cov.com](mailto:khaley@cov.com)>, [hliu@cov.com](mailto:hliu@cov.com) <[hliu@cov.com](mailto:hliu@cov.com)>, [rmowery@cov.com](mailto:rmowery@cov.com) <[rmowery@cov.com](mailto:rmowery@cov.com)>, [kpaley@cov.com](mailto:kpaley@cov.com) <[kpaley@cov.com](mailto:kpaley@cov.com)>, [neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com) <[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)>, [andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com) <[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com)>, [mrshumaker@jonesday.com](mailto:mrshumaker@jonesday.com) <[mrshumaker@jonesday.com](mailto:mrshumaker@jonesday.com)>, [jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com) <[jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com)>, [tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com) <[tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com)>, [wcoglianese@jonesday.com](mailto:wcoglianese@jonesday.com) <[wcoglianese@jonesday.com](mailto:wcoglianese@jonesday.com)>, [sfranklin@jonesday.com](mailto:sfranklin@jonesday.com) <[sfranklin@jonesday.com](mailto:sfranklin@jonesday.com)>, [cwalsh@gibbonslaw.com](mailto:cwalsh@gibbonslaw.com) <[cwalsh@gibbonslaw.com](mailto:cwalsh@gibbonslaw.com)>, [cmay@gibbonslaw.com](mailto:cmay@gibbonslaw.com) <[cmay@gibbonslaw.com](mailto:cmay@gibbonslaw.com)>, [gsirwin@jonesday.com](mailto:gsirwin@jonesday.com) <[gsirwin@jonesday.com](mailto:gsirwin@jonesday.com)>, [nconneely@cov.com](mailto:nconneely@cov.com) <[nconneely@cov.com](mailto:nconneely@cov.com)>, [koreilly@walsh.law](mailto:koreilly@walsh.law) <[koreilly@walsh.law](mailto:koreilly@walsh.law)>, [kromano@walsh.law](mailto:kromano@walsh.law) <[kromano@walsh.law](mailto:kromano@walsh.law)>, [lwalsh@walsh.law](mailto:lwalsh@walsh.law) <[lwalsh@walsh.law](mailto:lwalsh@walsh.law)>, [ssuwanda@cov.com](mailto:ssuwanda@cov.com) <[ssuwanda@cov.com](mailto:ssuwanda@cov.com)>  
**Cc:** [steve@hbsslaw.com](mailto:steve@hbsslaw.com) <[steve@hbsslaw.com](mailto:steve@hbsslaw.com)>, [markv@hbsslaw.com](mailto:markv@hbsslaw.com) <[markv@hbsslaw.com](mailto:markv@hbsslaw.com)>, [jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com) <[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)>, [ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com) <[ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com)>, [decklund@carellabyrne.com](mailto:decklund@carellabyrne.com) <[decklund@carellabyrne.com](mailto:decklund@carellabyrne.com)>, [mmakhail@carellabyrne.com](mailto:mmakhail@carellabyrne.com) <[mmakhail@carellabyrne.com](mailto:mmakhail@carellabyrne.com)>, [tom@hbsslaw.com](mailto:tom@hbsslaw.com) <[tom@hbsslaw.com](mailto:tom@hbsslaw.com)>, [robert@hbsslaw.com](mailto:robert@hbsslaw.com) <[robert@hbsslaw.com](mailto:robert@hbsslaw.com)>, Lopez, Julia A. <[JaLopez@ReedSmith.com](mailto:JaLopez@ReedSmith.com)>  
**Subject:** Re: In re Insulin: Proposed Joint Discovery Schedule

EXTERNAL E-MAIL - From [hannahb@hbsslaw.com](mailto:hannahb@hbsslaw.com)

Hi Melissa-

This letter looks good to us. Please let us know your availability either tomorrow or early next week for a meet and confer regarding the schedule.

Thanks,

Hannah

---

**From:** Geist, Melissa A. <[mgeist@reedsmith.com](mailto:mgeist@reedsmith.com)>  
**Sent:** Thursday, March 12, 2020 9:53 AM  
**To:** Hannah Brennan <[hannahb@hbsslw.com](mailto:hannahb@hbsslw.com)>; [mjim@jonesday.com](mailto:mjim@jonesday.com) <[mjim@jonesday.com](mailto:mjim@jonesday.com)>; [khaley@cov.com](mailto:khaley@cov.com) <[khaley@cov.com](mailto:khaley@cov.com)>; Henry Liu <[hliu@cov.com](mailto:hliu@cov.com)>; [rmowery@cov.com](mailto:rmowery@cov.com) <[rmowery@cov.com](mailto:rmowery@cov.com)>; [kpaley@cov.com](mailto:kpaley@cov.com) <[kpaley@cov.com](mailto:kpaley@cov.com)>; Neal Potischman <[Neal.Potischman@davispolk.com](mailto:Neal.Potischman@davispolk.com)>; Andrew Yaphe <[Andrew.yaphe@davispolk.com](mailto:Andrew.yaphe@davispolk.com)>; [mrshumaker@jonesday.com](mailto:mrshumaker@jonesday.com) <[mrshumaker@jonesday.com](mailto:mrshumaker@jonesday.com)>; Julie McEvoy <[jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com)>; [tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com) <[tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com)>; William Coglianesse <[wcoglianesse@jonesday.com](mailto:wcoglianesse@jonesday.com)>; [sfranklin@jonesday.com](mailto:sfranklin@jonesday.com) <[sfranklin@jonesday.com](mailto:sfranklin@jonesday.com)>; Christopher Walsh <[CWalsh@gibbonslaw.com](mailto:CWalsh@gibbonslaw.com)>; Calvin May <[CMay@gibbonslaw.com](mailto:CMay@gibbonslaw.com)>; [gsirwin@jonesday.com](mailto:gsirwin@jonesday.com) <[gsirwin@jonesday.com](mailto:gsirwin@jonesday.com)>; [nconneely@cov.com](mailto:nconneely@cov.com) <[nconneely@cov.com](mailto:nconneely@cov.com)>; [koreilly@walsh.law](mailto:koreilly@walsh.law) <[koreilly@walsh.law](mailto:koreilly@walsh.law)>; [kromano@walsh.law](mailto:kromano@walsh.law) <[kromano@walsh.law](mailto:kromano@walsh.law)>; Liza Walsh <[lwalsh@walsh.law](mailto:lwalsh@walsh.law)>; [ssuwanda@cov.com](mailto:ssuwanda@cov.com) <[ssuwanda@cov.com](mailto:ssuwanda@cov.com)>  
**Cc:** Steve Berman <[Steve@hbsslw.com](mailto:Steve@hbsslw.com)>; Mark Vazquez <[markv@hbsslw.com](mailto:markv@hbsslw.com)>; James Cecchi <[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)>; Lindsey H. Taylor <[ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com)>; [DEcklund@carellabyrne.com](mailto:DEcklund@carellabyrne.com) <[DEcklund@carellabyrne.com](mailto:DEcklund@carellabyrne.com)>; Mark Makhail <[MMakhail@carellabyrne.com](mailto:MMakhail@carellabyrne.com)>; Thomas Sobol <[Tom@hbsslw.com](mailto:Tom@hbsslw.com)>; Robert Haegle <[Robert@hbsslw.com](mailto:Robert@hbsslw.com)>; Julia Lopez <[JaLopez@ReedSmith.com](mailto:JaLopez@ReedSmith.com)>  
**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule

Good morning, Hannah and all:

Thank you for your cooperation here. Please advise if the attached letter is approved to file with the Court.

Best regards,

Melissa

**Melissa A. Geist**

Direct: 609.514.5978

---

**From:** Hannah Brennan <[hannahb@hbsslw.com](mailto:hannahb@hbsslw.com)>  
**Sent:** Wednesday, March 11, 2020 11:15 AM  
**To:** [mjim@jonesday.com](mailto:mjim@jonesday.com); [khaley@cov.com](mailto:khaley@cov.com); [hliu@cov.com](mailto:hliu@cov.com); [rmowery@cov.com](mailto:rmowery@cov.com); [kpaley@cov.com](mailto:kpaley@cov.com); [neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com); [andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com); [mrshumaker@jonesday.com](mailto:mrshumaker@jonesday.com); [jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com); [tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com); [wcoglianesse@jonesday.com](mailto:wcoglianesse@jonesday.com); [sfranklin@jonesday.com](mailto:sfranklin@jonesday.com); [cwalsh@gibbonslaw.com](mailto:cwalsh@gibbonslaw.com); [cmay@gibbonslaw.com](mailto:cmay@gibbonslaw.com); [gsirwin@jonesday.com](mailto:gsirwin@jonesday.com); [nconneely@cov.com](mailto:nconneely@cov.com); [koreilly@walsh.law](mailto:koreilly@walsh.law); [kromano@walsh.law](mailto:kromano@walsh.law); [lwalsh@walsh.law](mailto:lwalsh@walsh.law); Geist, Melissa A. <[MGeist@ReedSmith.com](mailto:MGeist@ReedSmith.com)>; [ssuwanda@cov.com](mailto:ssuwanda@cov.com)  
**Cc:** [steve@hbsslw.com](mailto:steve@hbsslw.com); [markv@hbsslw.com](mailto:markv@hbsslw.com); [jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com); [ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com); [decklund@carellabyrne.com](mailto:decklund@carellabyrne.com); [mmakhail@carellabyrne.com](mailto:mmakhail@carellabyrne.com); [tom@hbsslw.com](mailto:tom@hbsslw.com); [robert@hbsslw.com](mailto:robert@hbsslw.com)  
**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule

EXTERNAL E-MAIL - From [hannahb@hbsslaw.com](mailto:hannahb@hbsslaw.com)

Dear Melissa,

Thanks for your email. The plaintiffs are willing to agree to an extension, but we believe a one week extension is more appropriate. The plaintiffs propose the following: the defendants send the plaintiffs redlines on our proposed schedule by Thursday, parties to meet and confer on Friday regarding areas of disagreement, the parties let each other know about final areas of agreement or disagreement by next Tuesday, and we submit a compromised schedule next Thursday, noting any lingering areas of disagreement.

Attached is a word version of our schedule. Please let me know if you are amendable to the above proposal.

Thanks,

Hannah

Hannah Brennan | **Hagens Berman Sobol Shapiro LLP** | Direct: (617) 475-1968

---

**From:** Patterson, Melissa L. [[mailto:m\\_lim@jonesday.com](mailto:m_lim@jonesday.com)]

**Sent:** Tuesday, March 10, 2020 9:44 PM

**To:** Hannah Brennan <[hannahb@hbsslaw.com](mailto:hannahb@hbsslaw.com)>; [khaley@cov.com](mailto:khaley@cov.com); Henry Liu <[hliu@cov.com](mailto:hliu@cov.com)>; [rmowery@cov.com](mailto:rmowery@cov.com); [kpaley@cov.com](mailto:kpaley@cov.com); Neal Potischman <[Neal.Potischman@davispolk.com](mailto:Neal.Potischman@davispolk.com)>; Andrew Yaphe <[Andrew.yaphe@davispolk.com](mailto:Andrew.yaphe@davispolk.com)>; [mrshumaker@jonesday.com](mailto:mrshumaker@jonesday.com); Julie McEvoy <[jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com)>; [tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com); William Coglianesse <[wcoglianesse@jonesday.com](mailto:wcoglianesse@jonesday.com)>; [sfranklin@jonesday.com](mailto:sfranklin@jonesday.com); Christopher Walsh <[CWalsh@gibbonslaw.com](mailto:CWalsh@gibbonslaw.com)>; Calvin May <[CMay@gibbonslaw.com](mailto:CMay@gibbonslaw.com)>; [gsirwin@jonesday.com](mailto:gsirwin@jonesday.com); [nconneely@cov.com](mailto:nconneely@cov.com); [koreilly@walsh.law](mailto:koreilly@walsh.law); [kromano@walsh.law](mailto:kromano@walsh.law); Liza Walsh <[lwalsh@walsh.law](mailto:lwalsh@walsh.law)>; Melissa Geist <[MGeist@ReedSmith.com](mailto:MGeist@ReedSmith.com)>; [ssuwanda@cov.com](mailto:ssuwanda@cov.com)

**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Mark Vazquez <[markv@hbsslaw.com](mailto:markv@hbsslaw.com)>; James Cecchi <[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)>; Lindsey H. Taylor <[ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com)>; [DEcklund@carellabyrne.com](mailto:DEcklund@carellabyrne.com); Mark Makhail <[MMakhail@carellabyrne.com](mailto:MMakhail@carellabyrne.com)>; Thomas Sobol <[Tom@hbsslaw.com](mailto:Tom@hbsslaw.com)>; Robert Haegle <[Robert@hbsslaw.com](mailto:Robert@hbsslaw.com)>

**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule

Thanks, Hannah, for this proposal. It introduces a number of issues that we will need to discuss. But we are hopeful that we can reach agreement on most, as there are several areas where the two sides look to be reasonably close. It's unlikely, however, that we can hash those issues out in the two days we have until the original March 12th deadline. Accordingly, we propose a two-week extension to meet and confer in an effort to resolve the areas of disagreement. If you agree, we can circulate a draft stipulation reflecting an extension until March 26, 2020 to submit a joint proposal.

Additionally, to facilitate the meet and confer process, would you please send us a Word version of your document? Thanks!

Best,  
Melissa

Melissa Lim Patterson  
Associate

**JONES DAY® - One Firm Worldwide<sup>SM</sup>**

51 Louisiana Ave., N.W.  
Washington, D.C. 20001  
Office +1.202.879.4271  
[mjim@jonesday.com](mailto:mjim@jonesday.com)

---

**From:** Hannah Brennan <[hannahb@hbsslaw.com](mailto:hannahb@hbsslaw.com)>

**Sent:** Tuesday, March 10, 2020 2:27 PM

**To:** Patterson, Melissa L. <[mjim@jonesday.com](mailto:mjim@jonesday.com)>; Haley (External), Kyle <[khaley@cov.com](mailto:khaley@cov.com)>; [hliu@cov.com](mailto:hliu@cov.com); [RMowery@cov.com](mailto:RMowery@cov.com); [kpaley@cov.com](mailto:kpaley@cov.com); Potischman (External), Neal <[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)>; [andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com); Shumaker, Michael R. <[mrshumaker@JonesDay.com](mailto:mrshumaker@JonesDay.com)>; McEvoy, Julie E. <[jmcevoy@jonesday.com](mailto:jmcevoy@jonesday.com)>; Coughlin, Theresa M. <[tcoughlin@jonesday.com](mailto:tcoughlin@jonesday.com)>; Coglianesse, William D. <[wcoglianesse@jonesday.com](mailto:wcoglianesse@jonesday.com)>; Franklin, Shirlethia V. <[sfranklin@jonesday.com](mailto:sfranklin@jonesday.com)>; [CWalsh@gibbonslaw.com](mailto:CWalsh@gibbonslaw.com); [CMay@gibbonslaw.com](mailto:CMay@gibbonslaw.com); Irwin, Geoffrey S. <[gsirwin@JonesDay.com](mailto:gsirwin@JonesDay.com)>; Conneely (External), Nora <[NConneely@cov.com](mailto:NConneely@cov.com)>; [KOREilly@walsh.law](mailto:KOREilly@walsh.law); [KRomano@walsh.law](mailto:KRomano@walsh.law); [lwalsh@walsh.law](mailto:lwalsh@walsh.law); [MGeist@ReedSmith.com](mailto:MGeist@ReedSmith.com); Suwanda (External), Sarah <[ssuwanda@cov.com](mailto:ssuwanda@cov.com)>

**Cc:** [steve@hbsslaw.com](mailto:steve@hbsslaw.com); [markv@hbsslaw.com](mailto:markv@hbsslaw.com); [jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com); [ltaylor@carellabyrne.com](mailto:ltaylor@carellabyrne.com); [decklund@carellabyrne.com](mailto:decklund@carellabyrne.com); [mmakhail@carellabyrne.com](mailto:mmakhail@carellabyrne.com); [Tom@hbsslaw.com](mailto:Tom@hbsslaw.com); [robert@hbsslaw.com](mailto:robert@hbsslaw.com)

**Subject:** RE: In re Insulin: Proposed Joint Discovery Schedule

Counsel,

Please see our attached counterproposal.

Thank you,

Hannah

Hannah Brennan | **Hagens Berman Sobol Shapiro LLP** | Direct: (617) 475-1968

---

**From:** Patterson, Melissa L. [<mailto:mjim@jonesday.com>]

**Sent:** Monday, March 9, 2020 2:37 PM

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**Subject:** In re Insulin: Proposed Joint Discovery Schedule

Counsel,

Per Magistrate Judge Goodman's December 2, 2019 order, we are required to provide a proposed discovery schedule within 21 days of the motion to dismiss opinion and order. Please see below for Defendants' proposed discovery schedule. We look forward to hearing your feedback.

	Proposed Deadline
Motions to amend or add parties	Tuesday, September 8, 2020
Deadline to propound RFPs	Monday, January 11, 2021
Substantial completion of document production	Friday, March 12, 2021
Deadline to serve written discovery	Monday, July 12, 2021
Factual discovery to be complete	Wednesday, September 8, 2021
Plaintiff class certification expert disclosure date	21 days prior to the motion for class certification
Motions for class certification to be served along with supporting expert reports	30 days after the close of fact discovery
Deadline to depose class certification experts	45 days after the motion for class certification
Defendant class certification expert disclosure date	21 days prior to filing the opposition to class certification
Opposition to class certification and supporting expert reports	90 days after the motion for class certification
Deadline to depose opposition experts	45 days after the opposition brief
Reply for class certification	60 days after the opposition brief
Deadline for proposing schedule for merits experts and dispositive motions	Within 30 Days from Opinion and Order re: class certification

Best,  
Melissa

Melissa Lim Patterson  
Associate

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