

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE INSULIN PRICING LITIGATION

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

Document electronically filed.

JOINT STIPULATION AS TO DEFENDANT ELI LILLY & COMPANY

Plaintiffs and Defendant Eli Lilly & Company, by and through their undersigned counsel, respectfully submit this Joint Stipulation, and state as follows:

1. On March 1, 2022, Plaintiffs moved pursuant to Federal Rule of Civil Procedure 23 to certify classes against Novo Nordisk Inc., Sanofi-Aventis U.S. LLC, and Lilly, including multi-state and single-state classes against Lilly. ECF Nos. 574, 575.

2. On May 26, 2023, Plaintiffs and Lilly entered into a settlement agreement, later amended on July 24, 2023, resolving Plaintiffs' claims as to Lilly. ECF No. 656-1.

3. On January 24, 2024, the Court denied Plaintiffs' motion for class certification. ECF Nos. 721, 722, 725. The Court's opinion stated that "the Court assumes for purposes of this Opinion that Plaintiffs are not seeking to certify their three proposed classes against Eli Lilly—the Proposed Eli Lilly Multi-State Class, the Proposed Eli Lilly New Jersey Class, and the Proposed Eli Lilly Texas Class—and accordingly DENIES WITHOUT PREJUDICE Plaintiffs' motion to certify these three classes." ECF No. 721 at 30-31.

4. On April 12, 2024, Plaintiffs and Lilly terminated their settlement agreement.

5. Based on the foregoing, Plaintiffs and Lilly hereby stipulate and agree that the Court's opinion and order denying class certification with respect to Novo Nordisk Inc. and Sanofi-Aventis U.S. LLC applies to Lilly for the same reasons, and, as a result, class certification is denied with respect to the proposed classes that Plaintiffs sought to certify against Lilly in Plaintiffs' motion for class certification. ECF Nos. 574, 575.

Dated: April 22, 2024

Respectfully submitted,

/s/ James E. Cecchi

James E. Cecchi (NJBA #030861989)
**CARELLA, BYRNE, CECCHI,
BRODY & AGNELLO, P.C.**
5 Becker Farm Road
Roseland, NJ 07068
Telephone: (973) 994-1700
Facsimile: (973) 994-1744
jcecchi@carellabyrne.com

/s/ Melissa A. Geist

Melissa A. Geist, Esq.
Julia A. Lopez, Esq.
REED SMITH LLP
506 Carnegie Center, Suite 300
Princeton, NJ 08540
Tel.: (609) 514-5978

/s/ Steve W. Berman

Steve W. Berman (*pro hac vice*)
**HAGENS BERMAN SOBOL
SHAPIRO LLP**
1301 Second Ave., Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com

James F. Hurst, Esq. (*pro hac vice*)
Andrew A. Kassof, Esq. (*pro hac vice*)
Robert B. Ellis (*pro hac vice*)
Diana M. Watral, Esq. (*pro hac vice*)
Ryan Moorman, Esq. (*pro hac vice*)
Jason A. Feld, Esq. (*pro hac vice*)
KIRKLAND & ELLIS LLP
333 West Wolf Point Plaza
Chicago, IL 60654
Tel.: (312) 862-2000

*Interim Co-Lead Counsel for Plaintiffs
and the Class*

*Attorneys for Defendant Eli Lilly and
Company*

SO ORDERED:



DATED:

23 APRIL 2024