

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TEVA PHARMACEUTICALS
INTERNATIONAL GMBH and
TEVA PHARMACEUTICALS
USA, INC.,

Plaintiffs,

v.

ELI LILLY AND COMPANY,
Defendant.

Civil Action No.
1:18-cv-12029-ADB

**ATTORNEY DECLARATION OF ELAINE HERRMANN BLAIS IN SUPPORT OF
PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 37(B)**

I, Elaine Herrmann Blais, declare as follows:

1. I am a partner at Goodwin Procter LLP and counsel for Plaintiffs Teva Pharmaceuticals International GMBH and Teva Pharmaceuticals USA, Inc. (collectively, "Teva") in this matter. I am licensed to practice before all courts in the Commonwealth of Massachusetts, and this Court, and submit this Declaration in support of Teva's concurrently-filed Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(b). I have personal knowledge of the matters set forth herein, and if called upon would testify as follows.

2. Attached hereto as **Exhibit 1** is a true and correct copy an email from Emily Gabranski to Teva Counsel, dated May 5, 2021.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a letter from Natasha Daughtrey to Emily Gabranski, dated October 30, 2020.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a letter from Natasha Daughtrey to Emily Gabranski, dated February 12, 2021.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a letter from Emily Gabranski to Natasha Daughtrey, dated January 28, 2021.

6. Attached hereto as **Exhibit 5** is a true and correct copy of internal Lilly email correspondence regarding its CGRP antibody development program, dated March 14, 2007.

7. Attached hereto as **Exhibit 6** is a true and correct copy of internal Lilly meeting minutes regarding its CGRP antibody development program, dated March 18, 2009.

8. Attached hereto as **Exhibit 7** is a true and correct excerpted copy of an internal Lilly slide deck regarding its CGRP antibody development program, dated April 20, 2009.

9. Attached hereto as **Exhibit 8** is a true and correct excerpted copy of an internal Lilly slide deck regarding its CGRP antibody development program, dated October 9, 2017.

10. Attached hereto as **Exhibit 9** is a true and correct excerpted copy of Plaintiffs' First Set of Requests for Admission to Defendant (Nos. 1-25), dated March 1, 2021.

11. Attached hereto as **Exhibit 10** is a true and correct excerpted copy of Lilly's Objections & Responses to Teva's First Set of Requests for Admission (Nos. 1-25), dated March 31, 2021.

12. Attached hereto as **Exhibit 11** is a true and correct copy of a letter from Natasha Daughtrey to Emily Gabranski, dated June 7, 2021.

13. Attached hereto as **Exhibit 12** is a true and correct copy of a Letter from Emily Gabranski to Natasha Daughtrey, dated June 10, 2021.

14. Attached hereto as **Exhibit 13** is a true and correct excerpted copy of the transcript of the June 24, 2021 Deposition of Robert Benschop, Ph. D.

15. Attached hereto as **Exhibit 14** is a true and correct excerpted copy of the transcript of the June 17, 2021 Deposition of Barrett Allan, Ph.D.

16. Attached hereto as **Exhibit 15** is a true and correct excerpted copy of the transcript of the June 18, 2021 Deposition of Ryan Darling, Ph.D.

17. Attached hereto as **Exhibit 16** is a true and correct copy of an email from Natasha Daughtrey to Lilly counsel, dated June 30, 2021.

18. Attached hereto as **Exhibit 17** is a true and correct copy of a letter from Denise Main to Natasha Daughtrey, dated July 7, 2021.

19. Attached hereto as **Exhibit 18** is a true and correct copy of a letter from Natasha Daughtrey to Denise Main, dated July 19, 2021.

20. Attached hereto as **Exhibit 19** is a true and correct copy of a letter from Denise Main to Natasha Daughtrey, dated July 27, 2021.

21. Attached hereto as **Exhibit 20** is a true and correct copy of a letter from Denise Main to Natasha Daughtrey, dated August 5, 2021.

22. Attached hereto as **Exhibit 21** is a true and correct copy of internal Lilly email correspondence regarding its CGRP antibody development program, dated April 22, 2016.

23. Attached hereto as **Exhibit 22** is a true and correct copy of internal Lilly email correspondence regarding LY2951742, dated March 23, 2011.

24. Exhibits 5-22 to this declaration are subject to Plaintiffs' pending Uncontested Motion for Leave to Impound Confidential Portions of Plaintiffs' Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(b) and Exhibits (ECF No. 142) and will be provisionally filed under seal.

25. Complete copies of any excerpted documents identified above will be provided to the Court upon request.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, and that I executed this declaration in Boston, Massachusetts on this 18th day of August, 2021.

Respectfully Submitted,

/s/ Elaine Herrmann Blais

Elaine Herrmann Blais (BBO# 656142)

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CERTIFICATE OF SERVICE

I, Elaine H. Blais, certify that on August 18, 2021, this document and Exhibits 1-4 were filed through the ECF system and sent electronically to the registered participants identified on the Notice of Electronic Filing; Exhibits 5-22 were served on the following persons via email.

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