

**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

JOINT MOTION TO EXTEND THE CASE SCHEDULE

Pursuant to Fed. R. Civ. P. Rule 29 and Local Rules 7.1 and 40.3, Plaintiffs Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc. (collectively, “Plaintiffs” or “Teva”) and Defendant Eli Lilly and Company (“Lilly” or “Defendant”) (collectively with Teva, “the Parties”) jointly move the Court to extend the time for the Parties to complete expert discovery by twelve (12) days, *i.e.*, from January 20, 2022 to February 1, 2022, with the deadlines in the Court’s scheduling order for dispositive motion briefing (including Daubert motions) each extended by seven (7) days. For the reasons set forth below, these extensions are respectfully believed to be appropriate and necessary.

The Parties last jointly amended the Court’s scheduling order via a Joint Motion filed October 11, 2021 (ECF No. 178), which the Court granted on October 12, 2021 (ECF No. 179).

As grounds for this Joint Motion, the Parties state as follows:

1. The current deadline for close of expert discovery is January 20, 2022.
2. In view of difficulties arising from the COVID-19 pandemic, as well as issues relating to the Court’s December 20, 2021 Order (ECF No. 236), which in relevant part denied Lilly’s Motion to Exclude Dr. Geoffrey Hale as an Expert and Prevent Disclosure of Protected Information (ECF No. 181), the Parties require more time to complete expert discovery.
3. In view of the proposed extension of the close of expert discovery by twelve (12) days, the Parties have further agreed to a short seven-day extension of each of the three deadlines for opening dispositive motions, oppositions, and replies.
4. The Parties have been diligent in conferring regarding these issues, and are promptly filing this joint motion upon reaching agreement on a modest schedule extension.

5. In addition, there is no meaningful prejudice to either party or the Court for the brief extensions, as they provide each party additional time to complete expert discovery and brief dispositive motions and would not materially change the timeline for trial.

6. Although the current schedule proposes trial in April/May 2022 or at a time otherwise convenient for the Court, no specific trial date has been set in this case.

7. The Parties' jointly proposed amendments to the schedule are as follows. All other dates remain unchanged:

Event	Current Deadline	Amended Deadline
Close of expert discovery	January 20, 2022	February 1, 2022
Deadline to file dispositive motions including Daubert	February 17, 2022	February 24, 2022
Opposition to MSJ/Daubert	March 10, 2022	March 17, 2022
Reply to MSJ/Daubert	March 24, 2022	March 31, 2022

WHEREFORE, the Parties respectfully request that the Court enter an order allowing this Joint Motion and amending the current case schedule as set forth above.

Dated: January 6th, 2022

/s/ Andrea L. Martin

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