

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

_____ )	
AMGEN INC. and AMGEN )	
MANUFACTURING LIMITED, )	
)	
Plaintiffs, )	Civil Action No. 17-cv-01235-MRH
)	
v. )	<b><u>Electronically Filed</u></b>
)	
MYLAN INC., MYLAN )	
PHARMACEUTICALS INC., MYLAN )	
GMBH and MYLAN N.V., )	
)	
Defendants. _____ )	

**STIPULATION SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2, the Court’s ADR Policies and Procedures, and LPR 1.5.

**I. PROCESS**

Select one of the following processes:

- Mediation
- Early Neutral Evaluation (ENE)
- Court sponsored Binding<sup>1</sup> Arbitration
- Court sponsored Non-binding Arbitration
- Other (please identify process and provider)

**If you are utilizing a private ADR process, such as the American Arbitration Association, be advised that the case is still governed by the Court’s ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.**

<sup>1</sup> For binding arbitration, please complete form “Stipulation to Binding Arbitration” located on the Court’s website at [www.pawd.uscourts.gov](http://www.pawd.uscourts.gov)

**II. COSTS**

The parties have agreed to share the ADR costs as follows (do not complete percentages for Court sponsored arbitration. For that process, costs are paid by the Court in accordance with 28 USC § 658.):

- 50% by Plaintiff(s)
- 50% by Defendant(s)
- % by Third Party Defendant(s)

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

**III. NEUTRAL**

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral: Hon. John J. Hughes

Address of Neutral: 1717 Arch Street, Suite 3810, Philadelphia, PA 19103

Telephone & FAX Numbers: Telephone: 215-246-9494 Fax: 215-246-0949

Email address of Neutral: tclark@jamsadr.com (Thomas Clark, case manager)

Date of ADR Session: May 23, 2018 (JAMS Philadelphia Office)

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session in accordance with the Court's Policies and Procedures and the Case Management Order entered on January 19, 2018, and that the neutral does not have a conflict.

**IV. PARTICIPANTS**

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, in addition to counsel, in accordance with **Section 2.7 (Attendance at Session)** of the Court's ADR Policies and Procedures:

<u>Nicholas Groombridge</u> Attorney for Plaintiffs	<u>Amgen Inc. and Amgen Manufacturing Limited</u> Plaintiffs  <u>Wendy A. Whiteford, Vice President Law</u> Corporate Representative (Name and Title)
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<p><u>William A. Rakoczy</u> Attorney for Defendants</p>	<p><u>Mylan GmbH, Mylan Pharmaceuticals Inc., Mylan N.V. and Mylan Inc.</u> Defendants</p> <hr/> <p><u>Tom W. Jenkins, Assistant General Counsel – Global IP Litigation</u> Corporate Representative (Name and Title)</p>
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Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court’s ADR Policies and Procedures.**

**V. ACKNOWLEDGMENT**

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: March 14, 2018      /s/ Kent E. Baldauf, Jr.  
Attorney for Plaintiffs

Dated: March 14, 2018      /s/ Eric Hunt  
Attorney for Defendants