

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

Civil Action No. 1:22-cv-00061-TSK

ORDER

WHEREAS, on April 6, 2023, the Court entered a Sealed Order granting Defendant's Motion to Compel Production of Documents [ECF No. 405] ("Sealed Order");

WHEREAS, the Sealed Order compels Regeneron Pharmaceuticals, Inc. ("Regeneron") to produce documents responsive to Defendant's RPD Nos. 144-151 within five days of the Order;

WHEREAS, Mylan's RPD Nos. 144-151 call for the following, with "CDF Litigation" including *United States v. Regeneron Pharmaceuticals, Inc.*, No. 1:20-cv-11217-FDS (D. Mass.) (the "DOJ Litigation"):

144. All documents referred to in any Federal Rule of Civil Procedure 26(a)(1) disclosure served by Regeneron in any CDF Litigation.

145. All documents, communications, and things reviewed, relied upon, or considered by any expert for Regeneron in any CDF Litigation.

146. All documents referred to or relied upon by Regeneron in responding to any interrogatory or requests for admission served on Regeneron in any CDF Litigation.

147. All documents, communications, and things produced by Regeneron in any CDF Litigation.
148. All documents received from or produced by a Third Party, including pursuant to a subpoena, in any CDF Litigation.
149. All pleadings and discovery submitted, filed, or otherwise prepared by, or on behalf of, Regeneron in any CDF Litigation, including all briefs, affidavits, declarations, pretrial orders, exhibits, answers to interrogatories, answers to requests for admission, and expert reports (and related exhibits).
150. All pleadings and discovery submitted, filed, or otherwise prepared by, or on behalf of, any plaintiff in any CDF Litigation, including all briefs, affidavits, declarations, pretrial orders, exhibits, answers to interrogatories, answers to requests for admission, and expert reports (and related exhibits).
151. All documents, communications, and things concerning any communications between Regeneron and the CDF.

WHEREAS, Regeneron hereby represents to the Court that some documents responsive to Defendant's RPD Nos. 144-151 have been designated confidential by producing parties under the Stipulated Confidentiality Agreement and Protective Order in place in the DOJ Litigation, or otherwise placed under seal by court order in the DOJ Litigation;

WHEREAS, Regeneron is concurrently filing a Motion to Modify Production Deadline seeking a modification of the production schedule in the Sealed Order in order to comply with the confidentiality obligations arising from the DOJ Litigation;

NOW, THEREFORE, for good cause shown, the Court **GRANTS IN PART** Plaintiff Regeneron's Motion to Modify Production Deadline.

B. The Court hereby unseals ECF No. 405 such that it is publicly available.

C. The Court **ORDERS** that Regeneron substantially complete production of documents responsive to Mylan's RPD Nos. 144-151 by April 11, 2023.

D. The Court **ORDERS** that, except for documents addressed in Paragraphs E and F, Regeneron shall produce all documents responsive to Mylan's RPD Nos. 144-151 by April 14, 2023.

E. The Court **ORDERS** that Regeneron shall produce documents responsive to Mylan's RPD Nos. 144-151 that have been designated Confidential by a party other than Regeneron, the Chronic Disease Fund, Good Days, former employees of same, and/or any successors-in-interest to same under the Stipulated Confidentiality Agreement and Protective Order, Dkt. 54, in *United States v. Regeneron Pharmaceuticals, Inc.*, No. 1:20-cv-11217-FDS (D. Mass.), by April 14, 2023, absent a filing by the producing party contesting production. In the event the producing party contests production, Regeneron shall, jointly with Mylan's counsel, meet and confer within one (1) business day with counsel for the producing party to in good faith resolve any disputes.

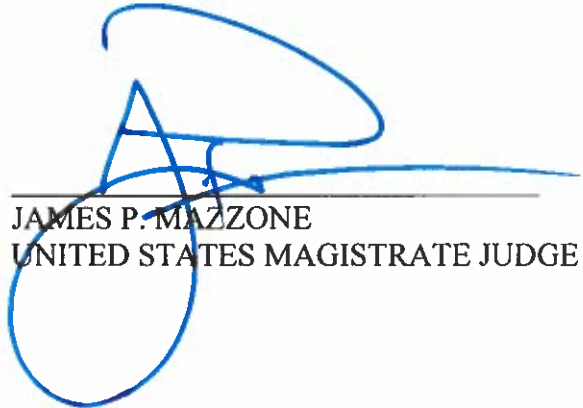
F. With respect to responsive documents from the DOJ Litigation that are sealed or otherwise restricted by court orders in the DOJ Litigation other than the Stipulated Confidentiality Agreement and Protective Order and that include information designated Confidential by a party other than Regeneron, the Chronic Disease Fund, Good Days, former employees of same, and/or any successors-in-interest, the Court **ORDERS** that by April 10, 2023, Regeneron shall, jointly with Mylan's counsel, meet and confer with parties whose confidential information is reflected in those sealed documents, and in the event agreement to production cannot promptly be obtained, Regeneron shall within one (1) business day file a

motion or motion(s) in the DOJ Litigation to modify the operative sealing orders to allow for production in this case.

G. The Court **ORDERS** that Regeneron provide Mylan the contact information for the primary attorney for each party producing documents responsive to Mylan's RPD Nos. 144-151 by April 10, 2023.

It is so **ORDERED**.

Dated: April 10, 2023



JAMES P. MAZZONE
UNITED STATES MAGISTRATE JUDGE