

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: TEPEZZA MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

No. 1:23-cv-03568
MDL No. 3079

This Document Relates to All Cases

Judge Thomas M. Durkin

Magistrate Judge M. David Weisman

**MOTION TO AMEND CASE MANAGEMENT ORDER NO. 3 WITH RESPECT TO
DEFENDANT'S SELECTION OF INITIAL BELLWETHER DISCOVERY CASES**

Horizon Therapeutics USA, Inc. (“Horizon”) respectfully moves the Court for an extension of the current deadline for the defendant’s selection of bellwether cases set forth in CMO No. 3 (ECF No. 69). The parties’ selection deadlines set forth in CMO No. 3 previously have been extended once by agreement of the parties on January 2, 2024 (ECF No. 91) to March 1, 2024 and April 1, 2024, respectively. Horizon now requests an additional 60 days to submit its bellwether selections, until May 30, 2024, for good cause shown because it lacks sufficient medical records necessary to fairly evaluate the representativeness of bellwether-eligible cases.

Horizon conferred with the Plaintiffs’ Leadership Committee (the “PLC”) regarding the relief sought in this motion prior to plaintiffs’ March 1, 2024 bellwether selection deadline, by letter dated February 27, 2024. (Ex. X to Memorandum in Support). Horizon offered in that letter to stipulate to an identical 60-day extension of plaintiffs’ March 1, 2024 deadline and the corresponding deadline to amend complaints. The PLC indicated it would oppose this motion and thereafter made its bellwether selections on March 1, 2024.

The parties have agreed to the following proposed briefing schedule: this motion is being filed on March 5, 2024; Plaintiffs shall file their response by March 12, 2024; and Horizon shall file any reply by March 15, 2024. The parties jointly request argument. The Court has confirmed

its availability for either March 19, 2024 or March 20, 2024. The parties confirm their availability for both dates, noting that they will also appear before the Honorable M. David Weisman for a status/ruling hearing on March 19, 2024 at 11:00 a.m.

This motion is supported by the accompanying Memorandum in Support and exhibits thereto.

Dated: March 5, 2024

Respectfully Submitted,

/s/ Robert E. Johnston

Robert E. Johnston (*admitted pro hac vice*)
Kathryn S. Jensen (*admitted pro hac vice*)
Grant W. Hollingsworth (*admitted pro hac vice*)
HOLLINGSWORTH LLP
1350 I Street, N.W.
Washington, DC 20005
(202) 898-5800
rjohnston@hollingsworthllp.com
kjensen@hollingsworthllp.com
ghollingsworth@hollingsworthllp.com

/s/ Daniel W. McGrath

Daniel W. McGrath
HINSHAW & CULBERTSON LLP
151 N. Franklin Street, Suite 2500
Chicago, Illinois 60606
(312)704-3000
dmcgrath@hinshawlaw.com
Counsel for Horizon Therapeutics USA, Inc.

CERTIFICATE OF SERVICE

I certify that on March 5, 2024, copies of the foregoing Motion to Amend Case Management Order No. 3 With Respect to Defendant's Selection of Initial Bellwether Discovery Cases and Memorandum in Support thereof were filed using the CM/ECF filing system, which will send notice of electronic filing to all parties appearing on the Court's ECF service list.

/s/ Robert E. Johnston
Counsel for Horizon Therapeutics USA, Inc.