

**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

**DEFENDANT’S MOTION FOR ENTRY OF ITS
PROPOSED CASE MANAGEMENT ORDER NO. 4**

Horizon Therapeutics USA, Inc. (“Horizon”) respectfully moves the Court for entry of its proposed Case Management Order No. 4, attached as Ex. A to its Memorandum in Support. Pursuant to the Court’s directive at the March 20, 2024 Status Hearing¹ and the April 11, 2024 Minute Entry (ECF No. 125, Hon. Weisman), the parties met and conferred regarding a proposed schedule for bellwether discovery, consistent with Case Management Order No. 3 (ECF No. 69). The parties reached an *impasse* on three key aspects of a discovery schedule: (1) the time needed to complete core bellwether case-specific discovery; (2) whether to place dispositive briefing on case-wide issues early in the schedule; and (3) whether the Court should establish a schedule for the selection of a second wave of discovery pool cases, and other miscellaneous issues.

The Parties have agreed to a briefing schedule that provides for simultaneous filing of position papers and each party’s proposed schedule on April 26, 2024 at 4:30 pm CST, with the simultaneous filing of replies on April 26, 2024 at 4:30 pm CST. *See* April 24, 2024 Joint Status Report (ECF No. 135); April 25, 2024 Minute Entry (ECF No. 136) (adopting proposed briefing schedule). Horizon requests oral argument and will be prepared for argument when the parties

¹ The Court directed the Parties to submit motions to both the Hon. Thomas M. Durkin and the Hon. M. David Weisman. *See* Mar. 20, 2024 Hr’g Tr. 51:15-19, 54:16-18 (attached as Ex. D to Horizon’s Memorandum in Support).

appear before the Honorable Thomas M. Durkin for a status hearing on May 1, 2024 at 1:30 pm (ECF No. 131), or at the Court's earliest convenience.

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

Dated: April 26, 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 April 26, 2024, copies of the foregoing Defendant's Motion For Entry Of Proposed Case Management Order No. 4 was 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.