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12

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

15
16 IN RE INCRETIN-BASED
17 THERAPIES PRODUCTS LIABILITY
LITIGATION

CASE NO. 13-MD-2452 AJB (MDD)

**DEFENDANT ELI LILLY AND
COMPANY'S NOTICE OF MOTION
AND MOTION IN SUPPORT OF ITS
BILL OF COSTS**

Date: January 4, 2016
Time: 10:00 a.m.

Judge: Hon. Anthony J. Battaglia

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 4, 2016 at 10:00 a.m., or as soon thereafter as counsel may be heard, at the Clerk’s Office of the Edward J. Schwartz Courthouse, United States District Court, District of Southern California, 333 West Broadway, San Diego, CA 92101, Defendant Eli Lilly and Company (“Lilly”) will and hereby does move for an order approving its Bill of Costs, submitted concurrently herewith.

Lilly moves for costs pursuant to the Judgment entered in this case on November 30, 2015 (Dk. No. 1572) and pursuant to Federal Rule of Civil Procedure 54(d) and Civil Local Rule 54.1.

This notice is based on the Bill of Costs, this Notice of Motion and Motion, the accompanying Memorandum, the Declaration of Matthew J. Hamilton and the exhibits thereto, all pleadings and papers on file in this action, oral argument as permitted by the Court, and any such other matters that the Court deems appropriate.

Dated: December 14, 2015

Respectfully submitted,
PEPPER HAMILTON LLP
NINA M. GUSSACK
KENNETH J. KING
MATTHEW J. HAMILTON

LATHAM & WATKINS LLP
ROBERT M. HOWARD

By: /s/ Matthew J. Hamilton

Attorneys for Defendant
Eli Lilly and Company, a corporation

1 **CERTIFICATE OF SERVICE**

2 I am employed in the County of San Diego, State of California. I am over
3 the age of 18 years and not a party to this action. My business address is
4 Latham & Watkins LLP, 12670 High Bluff Drive, San Diego, CA 92130.

5 On December 14, 2015, I served the following document described as:

6 **BILL OF COSTS**

7 **DEFENDANT ELI LILLY AND COMPANY'S NOTICE OF MOTION
AND MOTION IN SUPPORT OF ITS BILL OF COSTS**

8 **MEMORANDUM IN SUPPORT OF BILL OF COSTS SUBMITTED
BY DEFENDANT ELI LILLY AND COMPANY**

9 **DECLARATION OF MATTHEW J. HAMILTON IN SUPPORT OF
10 BILL OF COSTS SUBMITTED BY DEFENDANT ELI LILLY AND
COMPANY**

11 by serving a true copy of the above-described document in the following manner:

12
13 **BY ELECTRONIC FILING**

14 I am familiar with the United States District Court, Southern District of
15 California's practice for collecting and processing electronic filings. Under that
16 practice, documents are electronically filed with the court. The court's CM/ECF
17 system will generate a Notice of Electronic Filing (NEF) to the filing party, the
18 assigned judge, and any registered users in the case. The NEF will constitute
19 service of the document. Registration as a CM/ECF user constitutes consent to
20 electronic service through the court's transmission facilities. Under said practice,
21 all parties to this case have been served electronically.

22 I declare that I am employed in the office of a member of the Bar of
23 California, or permitted to practice before, this Court at whose direction the service
24 was made and declare under penalty of perjury under the laws of the State of
25 California that the foregoing is true and correct.

26 Executed on December 14, 2015, at San Diego, California.

27 
28 _____
Alison L. Montera