

1 6. Attorney Levine requested additional time to prepare Defendant's portion of
2 the Points and Authorities and the Joint Motion for Determination of Discovery Dispute.
3 Defendants' request for additional time, Plaintiffs' time pressures, and the general
4 context of this motion to compel discovery were discussed at length by attorney Levine
5 and myself in the email string attached as Exhibit 1. *See also* Exhibit G to Memorandum
6 of Points and Authorities in Support of Ex Parte Motion for Determination of Discovery
7 Dispute on Defendant Novo Nordisk's Interrogatory Responses, which outlines the
8 parties' meet-and-confer efforts over the past several months.

9 7. On Thursday evening, March 6, 2014, Defendant served supplemental
10 objections and responses to Plaintiffs' First Set of Interrogatories and Plaintiffs'
11 Amended Second Set of Interrogatories. Copies of those documents, which address eight
12 of the 48 interrogatories at issue in this motion, are attached as Exhibits 2 and 3
13 respectively.

14 8. For the reasons explained in the email string attached as Exhibit 1, Plaintiffs
15 ultimately chose not to grant Defendant's request for additional time to respond to this
16 motion. However, Plaintiffs confirmed that if the motion was filed *ex parte*, they would
17 inform the Court that Defendant had requested additional time; that Plaintiffs had not
18 granted that request; and that Defendant had recently served supplemental interrogatory
19 answers directed to some of the interrogatories at issue in this motion.

20 9. The motion papers filed with this Declaration are the same as those
21 delivered to Defendant over a week ago, except that the titles of the documents have been
22 changed to reflect that they are now *ex parte* filings instead of "joint" filings.

23 10. It is Plaintiffs' understanding that Defendant will be submitting a Notice of
24 Intent to Respond at some point next week.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on March 7, 2014.

27 /s/ Michael K. Johnson

28 Michael K. Johnson