EXHIBIT 1

Michael Johnson

From: Michael Johnson
Sent: Friday, March 07, 2014 11:19 AM
To: Levine, Heidi L.
Subject: RE: Incretins: Correspondence and Joint Motion for Determination of Discovery Dispute

Heidi,

Thank you for your email. I think we are at a point where we need to agree to disagree on several issues. Nonetheless, I note the following:

You asked for an extension because you are "working on responding to the objections/explanations." We gave Defendants multiple extensions before preparing Plaintiffs' motion to compel. In return, and while operating under those extensions, your client demanded the Court accelerate discovery. When we raised Plaintiffs' discovery concerns with the Court, Novo volunteered that, in fact, there were no difficulties, and Novo could not foresee any in the future. Yet, at the time, Novo was aware that it, and the other Defendants, had for the most part filed essentially blanket objections and very few responsive answers.

I note that Novo submitted supplemental responses to eight of our Interrogatories yesterday. That addressed only 17% of the 48 questions. Moreover, most of the supplementation was not particularly useful. For instance, the need for a supplemental response to ROG 1, Set 1 was foreshadowed by Judge Battaglia on February 18th, but we still have no answer - only a representation that an answer will come at some unspecified future date. ROG 5, Set 2 again says only that something more may come later. ROG 48, Set 2 makes it clear that Novo has indeed discussed withdrawal of Victoza from the market, yet avoids providing any of the requested information regarding the substance of those discussions. ROG 49, Set 2 merely tells us what we already knew (Victoza has not been withdrawn in the U.S.), and makes it clear that Novo intends to continue its fight against foreign discovery that it regards as unfavorable.

We are seeking judicial help because self-help has failed for over three months. In is neither helpful nor accurate to characterize our efforts as a failure to engage in the meet and confer process or "gamesmanship". The facts and your client's responses speak for themselves. We have met and conferred for over three months, and still have very little in terms of substantive responses. We need judicial help to achieve finality to the process. This cannot go on forever. We all have obligations to our clients. Let's get help and move on.

A few additional thoughts:

Re your items 1 and 2: Our meet-and-confer was on the 18th. Plaintiffs' Points and Authorities were drafted in less than a week and sent to you on Thursday, February 27, only 9 days after the meet and confer. This is not a two-week motion by any measure. By 5:00 p.m. this afternoon, you will have had the Points and Authorities for more than 6 business days, and the Joint Motion with comments on the individual interrogatories for more than 5 business days.

Re your item 3: Plaintiffs have a Steering Committee. I simply cannot respond on matters like this without consulting the members of the PSC. We all have active practices. I think the challenges we face with respect

to the need to communicate with others are much the same. Again, I am not sure that personal characterizations help move the ball forward here.

I think that the remainder of your concerns were addressed above.

Our position remains as stated yesterday. If Novo sends us its response before 5:00 p.m. eastern time today, we will either file the motion or revise ours in response and route it back to you. Otherwise, we will file *ex parte* today. If we file *ex parte*, we will attach this email string to the declaration required for *ex parte* filings, so the court understands that a request for more time was made, but was not granted. We will also attach your Supplemental Interrogatory answers.

Thanks Heidi.

MICHAEL K. JOHNSON | PARTNER
JOHNSON // BECKER PLLC
Johnson Becker, PLLC
33 South Sixth Street, Suite 4530
Minneapolis, MN 55402
Toll Free: 800-279-6386
Direct: 612-436-1802
Facsimile: 612-436-1801
mjohnson@johnsonbecker.com
www.johnsonbecker.com

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From: Levine, Heidi L. [mailto:heidi.levine@dlapiper.com]
Sent: Thursday, March 06, 2014 6:26 PM
To: Michael Johnson
Subject: Incretins: Correspondence and Joint Motion for Determination of Discovery Dispute

Mike:

A few points for your consideration:

(1) Judge Dembin's rules contemplates reasonableness as to a response time. Your email below rejecting my request for an additional business day to complete a response to an 86 page motion you served on a Friday evening last week is unreasonable. Given that it took you 2 weeks to draft and serve your motion on Novo following our meeting in San Diego, you know how lengthy and complex this motion is. This litigation will have many forks in the road with extension requests on both ends, and I am surprised you are taking this left turn now.

(2) Under the rules, "five business days" means "five court days" as opposed to "five calendar days." It does not mean you can file at the close of business on the fifth day. With last Friday evening as the date from which we count, you can at most file on Monday by our calculation.

(3) While your motion is addressed only to Novo, you clearly admit that it is equally applicable to all four Defendants, and therefore you should be aware that three other law firms and three other clients in addition to my own are weighing in, so this is not as easy for me as it is for Plaintiffs.

(4) You told the court that the motion would be filed by the end of this week OR early next week. You can review the transcript to confirm what you told Judge Battaglia.

(5) If you knew you were not granting me an extension, you should have told me 6 hours ago when I first asked you instead of waiting until 6 pm at night on the eve of your filing.

(6) Magistrate Judge Dembin's chambers rules are clear with regard to these procedures. An ex parte motion like the one you contemplate "only is appropriate when the opposing party, after being provided a reasonable opportunity to participate, refuses to participate in the joint motion." An ex parte motion must also be supported by a declaration regarding the opportunity provided to opposing counsel to participate. Here, we have not refused to participate, and you obviously cannot file a declaration saying otherwise. Additionally, Judge Dembin's rules expressly define a reasonable opportunity as "a minimum of 5 business days" (emphasis in original). Under these circumstances, as discussed herein and below, the short extension we request is reasonable. Judge Dembin is known not to appreciate gamesmanship, or counsel not following both the letter and the spirit of his chambers rules.

(7) Lastly, as I informed you earlier today by email and as you saw recently, today Novo produced charts of its completed pre-clinical studies and completed and ongoing clinical studies conducted by Novo identified to date, including studies from 72 clinical trials and 180 preclinical studies. The clinical chart, for example, contains 15 fields including identification of the Bates-ranges for the corresponding final study report, synopsis, protocol and/or data set of each study and other fields listed below. The information identified on these charts is directly responsive to eight (8) Interrogatories (Amended Second Set) Nos. 13-20, and twenty-nine (29) Requests for Production (Third Amended Set) Nos. 1, 6, 16, 18, 19, 21, 22, 51, 105, 106, 119-132, 136-139, 142. In addition, the product labeling and DHCP/DDL letters that Novo produced earlier this week respond to seven (7) Interrogatories, including (Amended Second Set) Nos. 35, 37 and 41-45 and four (4) Requests for Production (Third Amended Set) Nos. 1, 46, 58 and 84. Lastly, Novo supplemented eight (8) of its Answers to Interrogatories today, including (First Set) No. 4, and (Amended Second Set) Nos. 4, 5, 10, 23, 39, 48, and 49. We also produced a spreadsheet this week of global AERs regarding pancreatitis and pancreatic cancer.

All told, Novo supplemented 23 Answers to Interrogatories and at least 33 RFPs this week. These are the types of responses and productions we were willing to agree to as part of a "reasonable narrowing" of the scope of general causation discovery, but you refused to meet and confer.

I assume you will want an opportunity to review our responses and consider your position in your motion as to objections corresponding to our supplements. While we are close to finalizing our part of the motion, we obviously want to know if your position on any aspect of the motion has changed. Similarly, our motion may change depending on your response. Therefore, a mutual extension until Monday seems eminently reasonable.

Please let me know if your position has changed as to giving Novo an extension until Monday to provide you with our half of the motion to file jointly.
Heidi

Fields in Clinical Study Chart:

1. Novo Nordisk Trial ID
2. Date
3. Document Title
4. Document Type
5. Document Bates Nos.
6. Study Status
7. Trial Start
8. Trial End
9. Study Type
10. Lead Investigators
11. Number of Subjects Enrolled Randomized
12. Trial Products
13. Bates Nos. for Data Set
14. Bates Nos. for Protocol
15. Publications

From: Michael Johnson [mailto:mjohnson@johnsonbecker.com]
Sent: Thursday, March 06, 2014 6:06 PM
To: Levine, Heidi L.
Subject: RE: Incretins: Correspondence and Joint Motion for Determination of Discovery Dispute

Heidi,

Thank you for your email. Under more "normal" circumstances, as a matter of courtesy I would accommodate your client's request for an extension, just as I have granted Defendants' multiple, past requests for extensions concerning their responses to Plaintiffs' written discovery. However, this is not a normal situation.

As you know, Plaintiffs are facing an accelerated and aggressive discovery schedule, requested by Defendants. As part of this request, Defendants assured the Court that they had already been very forthcoming in discovery and would act diligently to respond to Plaintiffs' requests. However, despite these statements to the Court, Defendants' request for this schedule and multiple past extensions, Plaintiffs have not received meaningful responses to most of their discovery requests. Defendants are extremely well-funded and are represented by some of the most sophisticated law firms in the country. In turn, it is hard to fathom that time is the real issue here. This problem needs to be resolved.

In addition, during Tuesday's hearing I personally told Judge Battaglia that these discovery motions would be filed. Judge Battaglia confirmed, both during Tuesday's hearing and as far back as the hearing held on February 18th that he would be monitoring the docket for these submissions, and using them to gauge how diligently the parties were progressing. Furthermore, Plaintiffs have to comply with Judge Dembin's 45-day rule. As you know, Plaintiffs have not yet filed motions to compel with respect to your responses to their requests for production. Rather than filing eight motions (one for each Defendant for both ROGs and RFPs) we used this motion as an exemplar. This motion should give helpful insight to all of the parties involved in this case, and we believe it is in everyone's best interests to get Judge Dembin's input as soon as possible. In short, Plaintiffs do not feel they can afford any further delays.

Finally, Judge Dembin's Chamber Rules, as a practical matter, give you the same relief that you are requesting. Specifically, if we file the motion *ex parte* tomorrow, under Judge Dembin's rules, Section V, you have three business days to file a Notice of Intent to Respond.

Plaintiffs would prefer not to file this motion *ex parte*, but they intend to do so this Friday, March 7, at or around 5:00 p.m., eastern, if Novo has not delivered its part of the joint motion by that time. If we file *ex parte*, we will attach this email and yours immediately below to the declaration required for *ex parte* filings, so the court understands that a request for more time was made, but was not granted. I assure you that if Plaintiffs did not face such extraordinary time pressures, your request would have been granted as a matter of course.

Thank you, and as always if you have any questions, please do not hesitate to contact me.

MICHAEL K. JOHNSON | PARTNER
JOHNSON // BECKER PLLC
Johnson Becker, PLLC
33 South Sixth Street, Suite 4530
Minneapolis, MN 55402
Toll Free: 800-279-6386
Direct: 612-436-1802
Facsimile: 612-436-1801
mjohnson@johnsonbecker.com
www.johnsonbecker.com

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From: Levine, Heidi L. [mailto:heidi.levine@dlapiper.com]
Sent: Thursday, March 06, 2014 11:41 AM
To: Michael Johnson
Subject: RE: Incretins: Correspondence and Joint Motion for Determination of Discovery Dispute

Mike –
We are still working on responding to the objections/explanations to the 48 individual interrogatories and to the motion. We are also going to be supplementing some of our Answers later today which you may want to review before finalizing the joint motion. I would like to target Monday or Tuesday for sending you our response, preferably sending by Monday and filing on Tuesday. If things move more quickly on my end, I will let you know and I am certainly aiming for that. I would appreciate the courtesy.
Thank you
Heidi

From: Michael Johnson [mailto:mjohnson@johnsonbecker.com]
Sent: Saturday, March 01, 2014 3:07 PM
To: Levine, Heidi L.
Cc: Ken Pearson
Subject: RE: Incretins: Correspondence and Joint Motion for Determination of Discovery Dispute

Heidi,

I have no objection to starting to count from Friday, I think that is fair. I am not sure that I agree with you regarding an automatic right to an extension past Friday. However, rather than debate it now, and of course, I will always consider reasonable extensions, requested for reasons other than delay, let's put that part of the conversation off for now and see if it even becomes an issue for you.

MICHAEL K. JOHNSON | PARTNER
JOHNSON // BECKER PLLC
Johnson Becker, PLLC
33 South Sixth Street, Suite 4530
Minneapolis, MN 55402
Toll Free: 800-279-6386
Direct: 612-436-1802
Facsimile: 612-436-1801
mjohnson@johnsonbecker.com
www.johnsonbecker.com

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From: Levine, Heidi L. [mailto:heidi.levine@dlapiper.com]
Sent: Saturday, March 01, 2014 12:48 PM
To: Michael Johnson (mjohnson@johnsonbecker.com)
Cc: Ken Pearson (Kpearson@johnsonbecker.com)
Subject: Incretins: Correspondence and Joint Motion for Determination of Discovery Dispute

Mike:
We agree to submit a joint motion and hope to respond within 5 business days, but consider Friday as the day from which we count those days, not Thursday, given the size of the interrogatory objections you served on us yesterday. Our plan is to jointly file by Friday, but will let you know this week if we need additional time. To be clear, Judge Dembin's chamber rules require that the opposing party must have a "reasonable opportunity to contribute to the joint motion" and a "minimum of 5 business days" is deemed reasonable. Given the amount to which we need to respond, we will let you know if 5 days is not reasonable.

Heidi

From: Ken Pearson [mailto:kpearson@johnsonbecker.com]
Sent: Friday, February 28, 2014 1:43 PM
To: Michael Johnson; Levine, Heidi L.
Cc: Tor Hoerman; Ryan L. Thompson; Hunter Shkolnik; Kennerly, Max S.; Brown, Loren; Neri, Leeanne; Boehm, Paul; Reyes, Ana; dmarvin@wc.com; gussackn@pepperlaw.com; Goetz, Richard
Subject: RE: Incretins: Correspondence and Joint Motion for Determination of Discovery Dispute

Heidi,

Attached are the exhibits to the motion, as well as the Joint Motion for Determination with our comments (the Word doc), as referred to by Mike below.

Let me know if you have any questions.

Ken

KENNETH W. PEARSON | PARTNER
JOHNSON // BECKER PLLC
Johnson Becker, PLLC
33 South Sixth Street, Suite 4530
Minneapolis, MN 55402
Toll Free: 800-279-6386
Direct: 612-436-1879
Facsimile: 612-436-1801
kpearson@johnsonbecker.com
www.johnsonbecker.com

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From: Michael Johnson [mailto:mjohnson@johnsonbecker.com]
Sent: Thursday, February 27, 2014 3:39 PM
To: Levine, Heidi L.
Cc: Tor Hoerman; Ryan L. Thompson; Hunter Shkolnik; Kenneth W. Pearson; Kennerly, Max S.; Brown, Loren; Neri, Leeanne; Boehm, Paul; Reyes, Ana; dmarvin@wc.com; gussackn@pepperlaw.com; Goetz, Richard
Subject: Incretins: Correspondence and Joint Motion for Determination of Discovery Dispute

Heidi,

Please find attached correspondence of today and Plaintiffs' Joint Motion for Determination of Discovery Dispute. We will send the exhibits to the joint motion later today or as soon as possible tomorrow. Please note that it is our intent to file Plaintiffs' portion of the Joint Motion after the expiration of 5 business days, per Judge Dembin's Chamber Rules.

MICHAEL K. JOHNSON | PARTNER
JOHNSON // BECKER PLLC
Johnson Becker, PLLC
33 South Sixth Street, Suite 4530
Minneapolis, MN 55402
Toll Free: 800-279-6386
Direct: 612-436-1802
Facsimile: 612-436-1801
mjohnson@johnsonbecker.com
www.johnsonbecker.com

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