

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AMGEN INC.,

Plaintiff,

Civil Action No. 18-11026 (MAS)(DEA)
(consolidated)

v.

SANDOZ INC., *et al.*,

Defendants.

STIPULATION AND PROPOSED ORDER REGARDING FOREIGN DEPOSITIONS

WHEREAS, government orders and health concerns concerning the global COVID-19 pandemic have reduced or prohibited the parties' witnesses and their counsels' ability to travel to and within the United States;

WHEREAS, in light of this development, the parties have agreed, in this limited situation, to conduct depositions by video of foreign nationals;

WHEREAS, Plaintiff has served deposition notices under Federal Rule of Civil Procedure 30(b)(6) and deposition notices under Federal Rule of Civil Procedure 30(b)(1);

WHEREAS, Aurobindo Pharma Ltd. and Aurobindo Pharma USA, Inc. (collectively, "Aurobindo") has agreed to produce for deposition by video witnesses who will serve as corporate representatives pursuant to Federal Rule of Civil Procedure 30(b)(6), and witnesses who are individuals noticed for deposition pursuant to Federal Rule of Civil Procedure 30(b)(1), wherein the witness is an Indian National located in India:

WHEREAS, as relevant to this Stipulation, the United States Secretary of State advises that "Voluntary depositions of Indian nationals and third country nationals require prior permission of the Indian Central Authority for the Hague Evidence Convention."

(<https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/India.html> at “Taking Voluntary Depositions of Willing Witnesses”).

WHEREAS, the Federal Rules of Civil Procedure allow the parties to stipulate as to how, when and where the deposition may occur, *see* Fed. R. Civ. P. 29, and the Court has broad discretion to manage the discovery process;

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PLAINTIFF AND DEFENDANTS LISTED (“THE PARTIES”) HEREIN, AND SO ORDERED BY THE COURT THAT:

1. Any deposition by video of an Indian National of a deposition duly noticed under Federal Rule of Civil Procedure 30(b)(6) or 30(b)(1) conducted in the course of the above-captioned matter (and any of its consolidated cases) will be deemed to be useable to the same extent as if the deposition had been conducted in person in the United States.

2. All depositions by video of an Indian National conducted in the course of the above-captioned matter (and any of its consolidated cases) shall be subject to the same rules as if the deposition had been conducted in person in the United States.

3. The Federal Rules of Civil Procedure and the Local Rules for the District Court of New Jersey will apply to any such deposition.

4. The parties will treat any video recording of the deposition as a certified recording.

5. To the extent possible, the Court Reporter will be present in the room with the attorney or attorneys taking the deposition.

Dated: August 31, 2020

SO STIPULATED:

By: s/ Charles H. Chevalier _____

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Aurobindo Pharma U.S.A., Inc.*

SO ORDERED this __2nd__ day of September 2020.

s/ Douglas E. Arpert

Douglas E. Arpert, U.S.M.J.