

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALLERGAN USA, INC., ALLERGAN SALES,)
LLC, ALLERGAN PHARMACEUTICALS)
INTERNATIONAL LIMITED, and GEDEON)
RICHTER PLC,)
)
Plaintiffs,)
)
v.) C.A. No. 19-2317 (RGA)
)
SUN PHARMACEUTICAL INDUSTRIES)
LIMITED, AUROBINDO PHARMA LIMITED,)
AUROBINDO PHARMA USA, INC., ZYDUS)
PHARMACEUTICALS (USA), INC. and)
CADILA HEALTHCARE LIMITED,)
)
Defendants.)

STIPULATION AND [PROPOSED] ORDER REGARDING FOREIGN DEPOSITIONS

WHEREAS, government orders and health concerns concerning the global COVID-19 pandemic have reduced the parties' witnesses' and their counsels' ability to travel to, from, 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 in their countries of residence or in another location to be agreed upon by the parties;

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

WHEREAS, the parties have agreed to conduct certain foreign depositions according to the procedures set forth below in lieu of the alternative procedures set forth in the Hague Evidence Convention;

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that:

1. Any deposition by video of an Indian national or a Hungarian 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 in this matter 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 or a Hungarian national conducted in the course of the above-captioned matter 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, the Federal Rules of Evidence, and the Local Rules of this Court shall apply to any such depositions.

4. For all depositions by video of an Indian national or Hungarian national, a videographer shall remotely record the deposition video and provide a certified recording to the parties.

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September 28, 2021

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IT IS SO ORDERED, this 28th day of September, 2021.

/s/ Richard G. Andrews

UNITED STATES DISTRICT JUDGE