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**From:** Kathy Ruemmler <[REDACTED]>  
**Sent:** Tuesday, November 22, 2016 1:32 PM  
**To:** jeffrey E.  
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The National Law Journal  
Mylan Won't Testify at EpiPen Hearing, Drawing Chuck Grassley's  
Ire<<http://www.nationallawjournal.com/id=1202772942932/Mylan-Wont-Testify-at-EpiPen-Hearing-Drawing-Chuck-Grassleys-Ire?slreturn=20161022074622>> <<http://www.nationallawjournal.com/id=1202772942932/Mylan-Wont-Testify-at-EpiPen-Hearing-Drawing-Chuck-Grassleys-Ire?slreturn=20161022074622>> >

November 21, 2016

Obama administration officials and Mylan N.V. are declining to send representatives to testify at a Senate Judiciary Committee hearing this month that would explore the government's \$465 million settlement with the pharmaceutical company over its alleged misclassification of the life-saving device EpiPen for purposes of Medicaid rebates.

Sen. Chuck Grassley, R-Iowa, chairman of Senate Judiciary, has questioned the fairness of the deal that Mylan said it had reached in October with the U.S. Justice Department and regulatory agencies. The settlement, which Mylan announced in a news release<<http://newsroom.mylan.com/2016-10-07-Mylan-Agrees-to-Settlement-on-Medicaid-Rebate-Classification-for-EpiPen-Auto-Injector>>, came amid the public outcry over Mylan's decision to increase the price of its epinephrine auto-injector EpiPen.

The Justice Department and Centers for Medicaid and Medicare Services haven't commented on the settlement. Mylan didn't admit any wrongdoing.

Grassley's full statement:

The Obama administration is dodging accountability for an expensive problem, and now a company is following its bad example. Taxpayers have paid and based on reports, continue to pay, hundreds of millions of dollars more for the EpiPen than they have to pay. This happened because either the agencies in charge dropped the ball, the company gamed the system, or both. Ironically, the company was eager to talk about this problem a few weeks ago in a press release to investors but not before the United States Senate. It's a shame government agencies and the company

are ducking accountability under a voluntary process. One way or another I intend to get answers for patients and taxpayers.

Mylan is represented by Kathryn Ruemmler, a Latham & Watkins partner who is global co-chairwoman of its white-collar defense practice and a former White House

counsel<<http://www.nationallawjournal.com/legaltimes/id=12026565765>>

<<http://www.nationallawjournal.com/legaltimes/id=202656576548>> in the Obama administration.

Ruemmler said in a

letter<<http://www.grassley.senate.gov/sites/default/files/constituents/Mylan%20letter%20declining%20to%20testify%20111816.pdf>

<<http://www.grassley.senate.gov/sites/default/files/constituents/Mylan%20letter%20declining%20to%20testify%20111816.pdf>> to Grassley last week that the company would decline to testify at the hearing.

"We understand that representatives of those government agencies have confirmed to the committee that they are not able to send a witness to testify or provide further information about this matter while it is pending," Ruemmler wrote. "Given the stated focus of the proposed hearing, the fact that it involves a pending matter, and that the government agencies in question will not be able to send a witness to testify or provide further information, Mylan respectfully declines to invitation to testify."

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Latham & Watkins LLP

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