

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASTRAZENECA PHARMACEUTICALS LP and
ASTRAZENECA AB,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as
Secretary of the U.S. Department of Health and
Human Services, CHIQUITA BROOKS-LASURE,
in her official capacity as Administrator of the
Centers for Medicare & Medicaid Services, and
AARP,

Defendants.

Case No. 1:23-cv-00931-CFC

**MOTION BY ECONOMISTS AND SCHOLARS OF HEALTH POLICY TO APPEAR
AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS**

Amici curiae economists and scholars of health policy respectfully move the Court for leave to file the attached brief in support of the defendants in this case. The defendants consent to this request, and the plaintiffs take no position. Amici are the following economists and health policy scholars, each of whom focuses their work on healthcare markets and pharmaceutical drug pricing.

Richard G. Frank

Margaret T. Morris Professor of Health Economics Emeritus,
Harvard Medical School;
Leonard D. Schaeffer Chair in Economic Studies,
The Brookings Institution

Fiona M. Scott Morton

Theodore Nierenberg Professor of Economics,
Yale School of Management

Aaron S. Kesselheim

Professor of Medicine,
Brigham and Women's Hospital/Harvard Medical School

Gerard F. Anderson

Professor of Health Policy & Management,

Johns Hopkins University Bloomberg School Public Health;
Professor of Medicine,
Johns Hopkins University School of Medicine

Rena Conti

Associated Professor,
Questrom Business School, Boston University

David M. Cutler

Otto Eckstein Professor of Applied Economics
Harvard University

Jack Hoadley

Research Professor Emeritus,
Health Policy Institute, McCourt School of Public Policy, Georgetown University

Because *amici* are economists and scholars of health policy, not lawyers, they do not directly address the parties' competing constitutional arguments about the drug-pricing provisions of the Inflation Reduction Act. They do, however, seek to provide the Court with background necessary to understand the context in which the parties' constitutional arguments arise—context concerning the economics of the Medicare market; the relationship between intellectual property rights, drug prices, and innovation; and the Inflation Reduction Act's role in correcting for market failure and restoring bargaining equity.

November 8, 2023

Respectfully submitted,

/s/ Christine M. Mackintosh

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