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CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)											
I. (a) PLAINTIFFS			DEFENDANTS								
Vanda Pharmaceuticals, Inc.			Food and Drug Administration								
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF 11001 (EXCEPT IN U.S. PLAINTIFF CASES)			COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED								
(c) ATTORNEYS (FIRMNAME, ADDRESS	S, AND TELEPHONE NUMBER)		ATTORNEYS	(IF KNOW	/N)						
Paul W. Hughes McDermott Will & Emery LLP 500 North Capitol St NW, Was 202-756-8000											
II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)		III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!									
	deral Question S. Government Not a Party)	Citizen of th					rated or Principal Place O 4 O 4				
Defendant (In	dicate Citizenship of	Citizen of A		O -			ated and Principal Place ess in Another State	O 5	O 5		
1 41	′	Citizen or Su Foreign Cou		O 3	O 3	Foreign 1	Nation	O 6	O 6		
IV. CASE ASSIGNMENT AND NATURE OF SUIT (Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)											
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	ersonal Injury/ Ialpractice		C. Admini Review	strative	Agenc	y.	O D. Tempor Order/P	relimina			
310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Medical Malpractice 365 Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Product Liability			Section 2015 Other Statutes 891 Agricultural Acts 893 Environmental Matters 890 Other Statutory Actions (If Administrative Agency is					Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*			
O E. General Civil (Other) OR O F. Pro Se General Civil											
Real Property 210 Land Condemnation 220 Foreclosure 423 Withdrawal 28 U 422 Appeal 27 USC 1 423 Withdrawal 28 U 424 Torts to Land 245 Tort Product Liability 290 All Other Real Property 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability 835 Patent 820 Copyrights 830 Patent 835 Patent Abbrevic Drug Application 840 Trademark 880 Defend Trade Sec 2016 (DTSA)		C 157 er onditions	870 871 Forfeitun 625 690 Other St 375 376 400 430 450 460	### Statutes 376 Taxes (US plaintiff or defendant) 871 IRS-Third Party 26 USC 7609 20			465 Other Immigration Actions 470 Racketeer Influenced & Corrupt Organization 480 Consumer Credit 485 Telephone Consumer Protection Act (TCPA) 490 Cable/Satellite TV 850 Securities/Commodities/ Exchange 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes 890 Other Statutory Actions (if not administrative agency review or Privacy Act)				

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O G. Habeas Corpus/ 2255	O H. Employment Discrimination	 I. FOIA/Privacy Act X 895 Freedom of Information Act 	O J. Student Loan					
530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)	890 Other Statutory Actions (if Privacy Act)	152 Recovery of Defaulted Student Loan (excluding veterans)					
	(If pro se, select this deck)	*(If pro se, select this deck)*						
○ K. Labor/ERISA (non-employment) 710 Fair Labor Standards Act	L. Other Civil Rights (non-employment)441 Voting (if not Voting Rights	M. Contract 110 Insurance 120 Marine	N. Three-Judge Court 441 Civil Rights – Voting					
720 Labor/Mgmt. Relations 740 Labor Railway Act	Act) 443 Housing/Accommodations	130 Miller Act 140 Negotiable Instrument	(if Voting Rights Act)					
751 Family and Medical Leave Act	440 Other Civil Rights 445 Americans w/Disabilities –	150 Recovery of Overpayment & Enforcement of						
790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	Employment 446 Americans w/Disabilities –	Judgment						
/91 Empl. Ret. Inc. Security Act	Other	153 Recovery of Overpayment of Veteran's Benefits						
	448 Education	160 Stockholder's Suits 190 Other Contracts						
		195 Contract Product Liability 196 Franchise						
V. ORIGIN								
O 1 Original Proceeding Proceeding Court State Court S								
VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.) Freedom of Information Act, 5 U.S.C. 552- order the production of agency records improperly witheld								
VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Check YES only if demanded in complaint YES NO X								
VIII. RELATED CASE(S) (See instruction) IF ANY (See instruction) YES NO If yes, please complete related case form								
DATE:11/07/2022	SIGNATURE OF ATTORNEY OF REC	NEY OF RECORD /s/ Paul W. Hughes						

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff ir resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the <u>primary</u> cause of action found in your complaint. You may select only <u>one</u> category. You <u>must</u> also select <u>one</u> corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.