

**IN THE MATTER OF ALEXION PHARMACEUTICALS INC. AND THE MEDICINE “SOLIRIS”**

**SCHEDULE “A’ TO THE PANEL’S DECISION, DATED NOVEMBER 27, 2017**

<b>Relevant Exhibit/Transcript</b>	<b>Confidentiality/Redaction Claim by the Respondent and/or Minister of Health</b>	<b>Panel’s Decision</b>
Exhibit 5 (Confidential Appendix A to original Statement of Allegations)	Alexion claims that the figures given in the chart for total revenues, units sold, % over MAPP/N-NEAP, excess revenues and cumulative excess revenues are confidential.	<p>The figures given for total revenues and units sold are confidential.</p> <p>The figures given for excess revenues and cumulative excess revenues are confidential, except for the amount of \$16,946.37, which is public – see the public version of the Decision.</p> <p>The figures indicating % over MAPP/N-NEAP are not confidential. Alexion does not claim confidentiality over the figures used to perform this calculation, being the N-ATP and MAPP/N-NEAP. The Panel also notes that Alexion does not request that the figures given for % over MAPP/N-NEAP be redacted as confidential in other documents which are the subject of this request (for example, see Exhibit 6, Tables 3 and 4).</p>
Exhibit 6 (tables attached to Board Staff’s December 15, 2016 letter, setting out alternative calculations of excess revenues)	Alexion claims that the figures given in the tables for total revenues, units sold, excess revenues and cumulative excess revenues	<p>All of the information redacted by Alexion is confidential, <u>except</u>:</p> <ul style="list-style-type: none"> <li>• In Table 3, the \$16,946.37 for</li> </ul>

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	<p>are confidential.</p>	<p>excess revenues and cumulative excess revenues for 2009 is public. The Panel also notes that Alexion does not redact this figure when it appears in Table 4.</p> <ul style="list-style-type: none"> <li>• The words “Units Sold” in Note 1 of Table 3 are not confidential and should not be redacted.</li> </ul> <p>Alexion did not redact total revenues and units sold in notes 1 and 2 of Table 4, cumulative excess revenues in note 2 of Table 4, and total revenues and units sold in note 2 of Table 5. These figures are confidential and must also be redacted from the public version of this Exhibit.</p>
<p>Exhibit 23 (documents produced by the Ministers of Health in response to the subpoena issued to Mr. Eric Lun)</p>	<p>Alexion and the Ministers of Health seek redactions of certain portions of certain documents contained in this Exhibit, which relate to the negotiations and agreements between Alexion and the Ministers of Health.</p> <p>Alexion's proposed redactions are subsumed within the redactions sought by the Ministers of Health, with the exception of a few additional redactions sought by Alexion.</p>	<p>The information redacted by the Ministers of Health is confidential. The Panel notes that one can easily see through the redaction on page 167-168 of 200 at Tab 16. This must be corrected before this Exhibit is placed on the public record.</p> <p>The Panel rules as follows on the additional redactions sought by Alexion:</p> <ul style="list-style-type: none"> <li>• the information redacted by Alexion on page 57 (Tab 4) and page 62 (Tab 5) is confidential.</li> <li>• Alexion's proposed redaction of</li> </ul>

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		<p>the exclusion criteria at Tab 11 (at the top of the second page of Appendix A) is rejected. The Ministers of Health have not claimed confidentiality over the criteria. The Panel is not satisfied that this information is confidential or that its disclosure would cause specific, direct and substantial harm to Alexion.</p>
<p>Exhibit 24 (email chain between Alexion and the BC Minister of Health). Exhibits 24-31 are all documents that were produced during the hearing by the Ministers of Health.</p>	<p>The Ministers of Health claim confidentiality over the name/address that a supply of the medicine was being shipped to, and the negotiated price.</p>	<p>The information redacted by the Ministers of Health is confidential.</p>
<p>Exhibit 25 (Soliris price table, showing list price and net price and details of agreements and negotiations)</p>	<p>The Ministers of Health claim confidentiality over this entire exhibit. Alexion agrees.</p>	<p>The entire chart is confidential and should not form part of the public record.</p>
<p>Exhibit 26 (letter from Eric Lun, dated January 3, 2017, giving details of the expensive drugs for rare diseases (“EDRD”) funded by BC.</p>	<p>The Ministers of Health claim confidentiality over this entire exhibit. Alexion agrees.</p>	<p>A redacted version of this Exhibit should be filed on the public record.</p> <p>All figures/numbers are confidential, except for the “14” EDRD reported in 2015/16, as this particular figure is in the public version of the Decision.</p>
<p>Exhibit 27 (letter from Ontario to BC, dated</p>	<p>The Ministers of Health claim confidentiality over this entire exhibit.</p>	<p>A redacted version of this Exhibit should</p>

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May 19, 2016)	Alexion agrees.	<p>be filed on the public record.</p> <p>The figures identified in the last paragraph on page 1 for drug costs, mark-up, dispensing fee, total expenditures by Ontario, and number of patients are confidential. The rest of the Exhibit is public.</p>
Exhibit 28 (letter from Manitoba to BC)	The Ministers of Health claim confidentiality over this entire exhibit. Alexion agrees.	<p>A redacted version of this Exhibit should be filed on the public record.</p> <p>The value of total expenditures in the last line of the letter is confidential. The rest of the Exhibit is public.</p>
Exhibit 29 (letter from Ontario to BC, dated January 23, 2017)	Alexion originally claimed that this letter was confidential but then withdrew the claim. The Ministers of Health do not claim confidentiality.	Since a confidentiality claim is not being pursued, this Exhibit is public in its entirety.
Exhibit 30 (letter from Alexion to BC, dated November 16, 2011)	Alexion originally claimed that this letter was confidential but then withdrew the claim. The Ministers of Health do not claim confidentiality.	Since a confidentiality claim is not being pursued, this Exhibit is public in its entirety.
Exhibit 31 (letter from BC to Alexion, dated January 13, 2012)	Alexion originally claimed that this letter was confidential but then withdrew the claim. The Ministers of Health do not claim confidentiality.	Since a confidentiality claim is not being pursued, this Exhibit is public in its entirety.

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Exhibit 46 (credit memo by Alexion)	Alexion claims confidentiality over the figures provided for “quantity” and “total amount”, as well as the words “Innomar rebate.”	<p>The figures provided for quantity and total amount are confidential.</p> <p>The words “Innomar rebate” should not be redacted from the public version. Alexion’s statement that it gave Innomar a rebate has been publicly disclosed, including in the public version of the Decision.</p>
Exhibit 47 (credit memo by Alexion)	Alexion makes the same claim as for Exhibit 46.	The Panel’s decision in respect of Exhibit 46 equally applies to Exhibit 47.
Exhibit 50 (documents produced by Alexion in response to the subpoena issued to Mr. Haslam.)	Alexion claims confidentiality over certain portions of these documents. The Ministers of Health agree with Alexion’s proposed redactions, and requests a few additional redactions to ensure that the redactions made to this Exhibit are consistent with those made to Exhibit 23, which contains the same or similar information.	<p>The information redacted by Alexion is confidential.</p> <p>The additional information redacted by the Ministers of Health is also confidential. For the sake of clarity, the Panel agrees with the Ministers of Health that:</p> <ul style="list-style-type: none"> <li>• Tab 5 of Exhibit 50 should be redacted in the same manner as Tab 7 of Exhibit 23 to the extent the emails are the same.</li> <li>• Tab 8 of Exhibit 50 should be redacted in the same manner as Tab 11 of Exhibit 23 because they are the same document.</li> <li>• Tab 1 of Exhibit 50 should be redacted in the same manner as Tab</li> </ul>

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		<p>11 of Exhibit 23 as the documents are similar and contain the same information in their appendices.</p> <ul style="list-style-type: none"> <li>The names of the treating physicians should be redacted from Tab 24 of Exhibit 50.</li> </ul>
Exhibit 73 (Soriano Expert Report)	<p>Alexion submits that confidential sales information should be redacted from the public version of the Soriano expert report, and filed a proposed public version with the confidential portions hi-lighted. In particular, Alexion seeks to redact units sold, excess revenues, as well as potential additional revenue under various scenarios that Mr. Soriano considered.</p>	<p>All of the information hi-lighted by Alexion is confidential, except for the \$16,946.37 figure on page 19. As discussed above, that figure is public.</p> <p>One of the numbers claimed as confidential, being the amount of excess revenues calculated by Mr. Soriano based on his “comprehensive test”, is disclosed in the public transcript of Mr. Soriano’s evidence at the hearing [Volume 17 (public), p. 2283] and Alexion has not asked for that transcript reference to be designated confidential. The Panel assumes that this omission was inadvertent and orders that the public version of Volume 17 of the transcript be corrected so as to designate that figure as confidential.</p>
Exhibit 77 (affidavit of Danielle Marshall, sworn June 5, 2015, attaching correspondence between Board Staff and the Respondent, including the amended statement of	<p>Alexion submits this exhibit should be treated as confidential. Alexion has not provided a redacted version, so the assumption is that Alexion is claiming</p>	<p>Only the following portions of the affidavit are confidential:</p> <ul style="list-style-type: none"> <li>the figures given for total revenues</li> </ul>

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allegations)	confidentiality over the entire document.	<p>and units sold in the chart which is the last page of Exhibit A, except for the \$16,946.37 figure which is public.</p> <ul style="list-style-type: none"> <li>• the excess revenues and cumulative excess revenues figures in the compliance status chart at Exhibit C.</li> <li>• the total revenues, units sold, excess revenues and cumulative excess revenues found on the last page of Exhibit E (being a calculation of excess revenues).</li> <li>• the total revenues, units sold, excess revenues (except the \$16,946.37 for 2009), and cumulative excess revenues (except the \$16,946.37 for 2009) in Exhibit H (being a calculation of excess revenues).</li> </ul>
Exhibit 79 (Board Staff's letter of January 20, 2016 to Respondent, attaching 4 tables)	Alexion provides a redacted version, highlighting the numbers it claims as confidential.	The information hi-lighted by Alexion in Tables 1, 2 and 3 (units sold, excess revenues and cumulative excess revenues) is confidential.
Evidence of Mr. Lemay – Volume 2 (public), page 198 line 7 to page 202	Alexion submits that these 5 pages of hearing testimony of Mr. Lemay are confidential because they deal with confidential information reported to the	The Panel has already decided whether this information is confidential. In its February 1, 2017 decision, the Panel concluded that none of this information is confidential,

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	Board on Alexion's Form 3 documents.	except for the figure that is reported for total revenues for 2010. That figure is the only portion of these pages of the transcript that is confidential. The Panel orders that the transcript be corrected so as to designate that figure as confidential.
Evidence of Soriano – Volume 18 (public), p. 2536 to 2537.	Alexion submits that this evidence should have been <i>in camera</i> because Mr. Soriano was asked to deal with confidential sales and revenue information.	All number and dollar references concerning the calculations Mr. Soriano was asked about are confidential. This includes any references to units, dollar values, percentages or magnitudes. The Panel orders that the transcript be corrected so as to designate this information as confidential.