

EXHIBIT

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From: [Sutton, Yasaman P. EOP/OMB](#)
To: [Carney, Matt B. EOP/OMB](#)
Subject: FW: Joe Grogan -- Recusal
Date: Monday, November 20, 2017 6:14:38 AM

From: Sutton, Yasaman P. EOP/OMB
Sent: Tuesday, August 29, 2017 9:26 AM
To: Grogan, Joseph J. EOP/OMB <Joseph.J.Grogan@omb.eop.gov>; Vought, Russell T. EOP/OMB <Russell.T.Vought@omb.eop.gov>; Doyle, Emma K. EOP/OMB <Emma.K.Doyle@omb.eop.gov>
Cc: Pyron, Robert C. EOP/OMB <Robert.C.Pyron@omb.eop.gov>; Robbins, Amanda H. EOP/OMB <Amanda.H.Robbins@omb.eop.gov>; Reilly, Tom M. EOP/OMB <Thomas_M._Reilly@omb.eop.gov>; Wright, Sophia M. EOP/OMB <Sophia_M._Wright@omb.eop.gov>; Czwartacki, John S. EOP/OMB <John.S.Czwartacki@omb.eop.gov>; Walsh, Heather V. EOP/OMB <Heather_V._Walsh@omb.eop.gov>; Nusraty, Tim H. EOP/OMB <Temim_H_Nusraty@omb.eop.gov>; Sutton, Yasaman P. EOP/OMB <Yasaman_P_Sutton@omb.eop.gov>
Subject: RE: Joe Grogan -- Recusal

Joe,

Thank you. We will file this.

++ CZ and others in OGC for SA.

V/R, Yasi

From: Grogan, Joseph J. EOP/OMB
Sent: Tuesday, August 29, 2017 9:14 AM
To: Vought, Russell T. EOP/OMB <Russell.T.Vought@omb.eop.gov>; Doyle, Emma K. EOP/OMB <Emma.K.Doyle@omb.eop.gov>
Cc: Pyron, Robert C. EOP/OMB <Robert.C.Pyron@omb.eop.gov>; Robbins, Amanda H. EOP/OMB <Amanda.H.Robbins@omb.eop.gov>; Reilly, Tom M. EOP/OMB <Thomas_M._Reilly@omb.eop.gov>; Wright, Sophia M. EOP/OMB <Sophia_M._Wright@omb.eop.gov>; Sutton, Yasaman P. EOP/OMB <Yasaman_P_Sutton@omb.eop.gov>
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Russ and Emma, see the email below from Yassi. This confirms that I am recused from discussing any potential demonstration project that HHS might engage in involving the gene therapy technology known as CAR-T. Novartis has a CAR-T therapy with an FDA action date in October, but if it is approved, it may be approved sooner than that. I had several discussions with Novartis about the possibility of a demonstration project for this novel therapy and I had also spoken with HHS about exploring it consistent with all applicable laws, regs and requirements. No formal demonstration has been designed yet, or named, but HHS, as I understand it, may explore this

possibility. This demonstration would probably be run out of CMMI and allow for value-based pricing and regulatory flexibility to explore whether these types of arrangements better serve patients and payors, including taxpayers. Yesterday, I learned from public news sources that my former employer, Gilead Sciences, Inc., announced an imminent purchase of the principal competitor (Kite) to Novartis in this space. It is conceivable that Kite/Gilead would want to participate in such a demonstration if indeed it were to become a reality. Of course, I had no knowledge that such a purchase was a possibility. I reached out to Yassi and was able to connect with her. We agreed recusal is proper here. Sophia Wright is the Branch Chief for Medicare in the Health Division and Tom Reilly, the HD deputy, can handle this issue through the normal process of approving demonstrations that HHS designs and seeks to launch, if HHS does indeed decide it wants to pursue this. Joe

From: Sutton, Yasaman P. EOP/OMB

Sent: Tuesday, August 29, 2017 6:00 AM

To: Grogan, Joseph J. EOP/OMB <Joseph.J.Grogan@omb.eop.gov>

Cc: Walsh, Heather V. EOP/OMB <Heather_V._Walsh@omb.eop.gov>; Nusraty, Tim H. EOP/OMB <Temim_H_Nusraty@omb.eop.gov>; Sutton, Yasaman P. EOP/OMB <Yasaman_P_Sutton@omb.eop.gov>

Subject: Joe Grogan -- Recusal

Joe,

This is a recap of our discussion, yesterday.

You explained that you have been in discussions with Novartis regarding a possible demonstration project that will most likely also now involve Gilead following its acquisition of Kite, an entity which also works in the very specialized arena that the demo will involve. As of Gilead's announcement yesterday of its plans to buy Kite, you are recused from the demo because it involves your former employer, Gilead. A few follow up points and actions:

1. This CONFIRMS that you have no financial interest in Gilead.
2. Rather, you have a covered relationship with Gilead as your former employer and will stay off specific party matters involving Gilead for two years from leaving employment there, pursuant to the Trump Ethics Pledge (two year) and the OGE impartiality regulation (one year).
3. Please copy me on an email to your supervisor notifying him of your requirement to recuse, along with the name of the employee who has been reassigned this matter. We will keep that on file. Please specify the demonstration project name and a short description of the matter in the email.

Thank you.

V/R, Yasi

-----Original Message-----

From: Grogan, Joseph J. EOP/OMB

Sent: Monday, August 28, 2017 7:47 AM

To: Sutton, Yasaman P. EOP/OMB <Yasaman_P_Sutton@omb.eop.gov>

Subject: <https://www.cnbc.com/2017/08/28/gilead-to-buy-kite-pharma-for-about-11-billion-in-cash-dow-jones.html>

Yassi, I'd like to touch base with you at some point today about the article above. I have been working on a project in this therapeutic area which is almost near completion and I want to make sure I don't wade into something here.