

Exhibit A
Tudor Declaration

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

In re:

GRACEWAY PHARMACEUTICALS, LLC,
et. al.

Debtors.

Chapter 11

Case No.: 11-13036

(Jointly Administered)

DECLARATION OF CYNTHIA TUDOR

1. I, Cynthia Tudor, am employed by the Centers for Medicare and Medicaid Services (CMS) and have been employed with CMS since December 1992. Currently, I am the Director of the Medicare Drug Benefit and C &D Data Group, a position I have held for five years. As Director of the Medicare Drug Benefit and C &D Data Group, I am responsible for the day-to-day operations of the Medicare Part D program.
2. On August 13, 2010, Graceway Pharmaceuticals, LLC (Graceway) and the Secretary for Health and Human Services (Secretary) entered into the the Medicare Coverage Gap Discount Program Agreement (MCGDPA). Under the MCGDPA, Graceway agreed to reimburse the certain discounts provided to Medicare Part D beneficiaries under certain conditions by a Medicare Part D sponsor within thirty-eight days (38) days of being invoiced. Exhibit 1 is a true and correct copy of the MCGDPA between Graceway and the Secretary.
3. On September 1, 2011, Graceway was sent an invoice totaling \$9,428.92 for discounts provided by Medicare Part D sponsors for qualifying prescription drug events (PDEs) between April 1, 2011 and June 30, 2011 (Second Quarter Invoice). Exhibit 2 is a true and correct copy of the Second Quarter Invoice.
4. The last day for payment of the Second Quarter Invoice was October 9, 2011.
5. As of November 15, 2011, Graceway has yet to pay the Second Quarter Invoice.
6. On November 1, 2011, Graceway was sent an invoice totaling \$15,466.40 for discounts provided by Medicare Part D sponsors for qualifying PDEs between July 1, 2011, and September 30, 2011 (Third Quarter Invoice). Exhibit 3 is a true and correct copy of the Third Quarter Invoice.
7. The last day for payment of the Third Quarter Invoice is December 9, 2011.
8. As of November 15, 2011, Graceway has yet to pay the Third Quarter Invoice.
9. Based on records made contemporaneously and kept in the ordinary course of CMS's

business, a number discounts provided by Medicare Part D sponsors for qualifying PDEs involving pharmaceuticals sold by Graceway that occurred in the third quarter (between July 1, 2011, and September 30, 2011) and covered by the MCGDPA have yet to be invoiced. Based on records made contemporaneously and kept in the ordinary course of CMS's business, the total known amount due from Graceway for these PDEs is \$222,536.15.

10. Based on records made contemporaneously and kept in the ordinary course of CMS's business, a number of qualifying PDEs involving pharmaceuticals sold by Graceway that are subject to discount reimbursement under the MCGDPA have occurred on or since October 1, 2011 (Unbilled Fourth Quarter Obligations). Based on records made contemporaneously and kept in the ordinary course of CMS's business, CMS is unable to currently determine the exact number of PDEs or the amount of the discounts.
11. In the ordinary course of business, Graceway would be invoiced the Unbilled Fourth Quarter Obligations on February 1, 2012.

Pursuant to 28 U.S.C. § 1746(2), I declare, under penalty of perjury, that the foregoing is true and correct. Executed on this the 15th day of November, 2011.



Cynthia Tudor