

52. Biohaven now attempts to hide the number and payments it made to speakers to cover up its *quid pro quo* activities. Biohaven is required by federal law to report all payments made to prescribers for the entire year in the first reporting period the following year. Notwithstanding the actual data contained in Biohaven's internal documents, the Company reported to CMS only approximately ten percent of the payments made to each of the speakers in order to prolong its scheme. For example, the following six prescribers were the top paid speakers from mid-March 2020 to September 25, 2020:

Eric Eross, DO, Neurologist 4530 E Muirwood Dr Ste 111, Phoenix, AZ 85048, ericross@yahoo.com Nurtec ODT Sales Representatives: Janelle Poole, Matt Thumann				
ACTUAL PAID PROGRAMS TOTAL January 1, 2020 to December 31, 2020^a		Reported to CMS OPEN PAYMENTS January 1, 2020 to December 31, 2020^b		Underreported by Biohaven
Total # of paid speaker programs:	61	Total # of paid speaker programs:	3	Speaking Engagements underreported by: 58
Past – Held 1/1/20 – 11/1/20:	59	(1) 12/3/20 Nurtec ODT Speaker Honoraria \$1500 (2) 12/15/20 Nurtec ODT Consulting Fee \$2000 (3) 12/17/20 Nurtec ODT Consulting Fee \$1200		
Future–Booked 11/1/20 – 12/31/20:	2			Total Speaker Payments underreported by: \$86,800
Avg. Low Speaker Honoraria: \$1500 Approx. Total paid (61 Programs): \$91,500		Total Speaker Payments reported to CMS: \$4,700		
^a From Biohaven Internal Documents (see, Ex 3a to Ex 5q) updated as of November 1, 2020				
^b From CMS OPENPAYMENTS https://openpaymentsdata.cms.gov/physician/48514				

Idan Sharon, MD, Neurologist 6917 Shore Rd, Brooklyn, NY 11209, isharon@sharonneurology.com Nurtec ODT Sales Representatives: Chris Pruss, Maria Sarkissian				
ACTUAL PAID PROGRAMS TOTAL January 1, 2020 to December 31, 2020^a		Reported to CMS OPEN PAYMENTS January 1, 2020 to December 31, 2020^b		Underreported by Biohaven
Total # of paid speaker programs:	39	Total # of paid speaker programs:	5	Speaking Engagements underreported by: 34
Past – Held 1/1/20 – 11/1/20:	32	(1) 12/3/20 Nurtec ODT Speaker Honoraria \$2250 (2) 12/7/20 Nurtec ODT Speaker Honoraria \$1125 (3) 12/14/20 Nurtec ODT Speaker Honoraria \$1125		
Future–Booked 11/1/20 – 12/31/20:	7	(4) 12/15/20 Nurtec ODT Consulting Fee \$2000 (5) 12/21/20 Nurtec ODT Speaker Honoraria \$1125		Total Speaker Payments underreported by: \$36,250
Avg. Low Speaker Honoraria: \$1125 Approx. Total paid (61 Programs): \$43,875		Total Speaker Payments reported to CMS: \$7,625		
^a From Biohaven Internal Documents (see, Ex 3a to Ex 5q) updated as of November 1, 2020				

^b From CMS OPENPAYMENTS <https://openpaymentsdata.cms.gov/physician/100410>

Maria Dolgovina, MD, Neurologist 10124 Queens Blvd Ste A, Forest Hills , NY 11375, drdolgovina@advmedny.com Nurtec ODT Sales Representative: Alina Lubarsky				
ACTUAL PAID PROGRAMS TOTAL January 1, 2020 to December 31, 2020^a		Reported to CMS OPEN PAYMENTS January 1, 2020 to December 31, 2020^b		Underreported by Biohaven
Total # of paid speaker programs:	30	Total # of paid speaker programs:	3	Speaking Engagements underreported by: 27
Past – Held 1/1/20 – 11/1/20:	22	(1) 12/3/20 Nurtec ODT Speaker Honoraria \$1125 (2) 12/8/20 Nurtec ODT Speaker Honoraria \$2250 (3) 12/10/20 Nurtec ODT Speaker Honoraria \$2250		
Future–Booked 11/1/20 – 12/31/20:	8			Total Speaker Payments underreported by: \$28,125
Avg. Low Speaker Honoraria: \$1125 Approx. Total paid (61 Programs): \$33,750		Total Speaker Payments reported to CMS: \$5,625		
^a From Biohaven Internal Documents (see, Ex 3a to Ex 5q) updated as of November 1, 2020				
^b From CMS OPENPAYMENTS https://openpaymentsdata.cms.gov/physician/105389				

Nicolas Saikali, MD, Neurologist 3980 Sheridan Dr Fl 6 Dent Neurologic Group LLP, nick.saikali@gmail.com Nurtec ODT Sales Representative: Jill Ruszczyk				
ACTUAL PAID PROGRAMS TOTAL January 1, 2020 to December 31, 2020^a		Reported to CMS OPEN PAYMENTS January 1, 2020 to December 31, 2020^b		Underreported by Biohaven
Total # of paid speaker programs:	23	Total # of paid speaker programs:	2	Speaking Engagements underreported by: 21
Past – Held 1/1/20 – 11/1/20:	20	(1) 12/9/20 Nurtec ODT Speaker Honoraria \$2000 (2) 12/18/20 Nurtec ODT Speaker Honoraria \$1500		
Future–Booked 11/1/20 – 12/31/20:	3			Total Speaker Payments underreported by: \$31,000
Avg. Low Speaker Honoraria: \$1500 Approx. Total paid (61 Programs): \$34,500		Total Speaker Payments reported to CMS: \$3,500		
^a From Biohaven Internal Documents (see, Ex 3a to Ex 5q) updated as of November 1, 2020				
^b From CMS OPENPAYMENTS https://openpaymentsdata.cms.gov/physician/264689				

Stephen Landy, MD, Neurologist 311 S Gloster St Ste 103 Tupelo, MS 38801, wesleyhead@aol.com Nurtec ODT Sales Representatives: Keith Latham, Natalie Breeden				
ACTUAL PAID PROGRAMS TOTAL January 1, 2020 to December 31, 2020^a		Reported to CMS OPEN PAYMENTS January 1, 2020 to December 31, 2020^b		Underreported by Biohaven
Total # of paid speaker programs:	23	Total # of paid speaker programs:	3	Speaking Engagements underreported by: 20
Past – Held 1/1/20 – 11/1/20:	21	(1) 12/15/20 Nurtec ODT Consulting Fee \$2000 (2) 12/15/20 Nurtec ODT Speaker Honoraria \$2500 (3) 12/17/20 Nurtec ODT Speaker Honoraria \$2000		
Future–Booked 11/1/20 – 12/31/20:	2			
Avg. Low Speaker Honoraria: \$1500 Approx. Total paid (61 Programs): \$34,500		Total Speaker Payments reported to CMS: \$3,500		
^a From Biohaven Internal Documents (see, Ex 3a to Ex 5q) updated as of November 1, 2020				
^b From CMS OPENPAYMENTS https://openpaymentsdata.cms.gov/physician/264689				

Future–Booked 11/1/20 – 12/31/20:	2		Total Speaker Payments underreported by: \$39,500
Avg. Low Speaker Honoraria: \$2000 Approx. Total paid (61 Programs): \$46,000		Total Speaker Payments reported to CMS: \$6,500	
^a From Biohaven Internal Documents (see, Ex 3a to Ex 5q) updated as of November 1, 2020			
^b From CMS OPENPAYMENTS https://openpaymentsdata.cms.gov/physician/205064			

Diane R. Counce, MD, Neurologist 1000 Southlake Park Ste 200 Suite 400B, Birmingham, AL 35244, dcounce@councemd.com Nurtec ODT Sales Representatives: Lynnette Johnson, Kalika (sp?) Gibbons				
ACTUAL PAID PROGRAMS TOTAL January 1, 2020 to December 31, 2020^a		Reported to CMS OPEN PAYMENTS January 1, 2020 to December 31, 2020^b		Underreported by Biohaven
Total # of paid speaker programs:	22	Total # of paid speaker programs:	1	Speaking Engagements underreported by: 21
Past – Held 1/1/20 – 11/1/20:	21	(1) 12/15/20 Nurtec ODT Consulting Fee \$2000		
Future–Booked 11/1/20 – 12/31/20:	1			Total Speaker Payments underreported by: \$42,000
Avg. Low Speaker Honoraria: \$2000 Approx. Total paid (61 Programs): \$44,000		Total Speaker Payments reported to CMS: \$2,000		
^a From Biohaven Internal Documents (see, Ex 3a to Ex 5q) updated as of November 1, 2020				
^b From CMS OPENPAYMENTS https://openpaymentsdata.cms.gov/physician/290771				

53. The tables illustrate the discrepancy between how many times the prescriber was actually paid to speak by Biohaven and what Biohaven reported. In fact, Biohaven failed to report to the Government any payments at all other than those that were in December 2020 allowing it, in theory, to hide its *quid pro quo* arrangement, evincing its scienter. That is, according to the payment data Biohaven reported to CMS, in one month (December 2020) alone, they made 239 payments, for a total of \$372,484.50, to Providers for speaking and consulting about Nurtec.

3. Speakers Present No New Information and to Wrong Audience

54. Further evincing the impropriety of Biohaven's speaker programs are the facts that its speakers presented an inordinately high number of programs on the same product where there