

## MINUTE ORDER

CASE NUMBER: CIVIL NO. 23-00464 LEK-RT  
CASE NAME: State of Hawai'i Ex Rel. Anne E. Lopez, Attorney General v.  
CaremarkPCS health, L.L.C. et al.

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JUDGE: Leslie E. Kobayashi                      DATE: 5/8/2024

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COURT ACTION: EO: COURT ORDER REGARDING PUBLIC FIRST LAW  
CENTER'S LETTER DATED MAY 3, 2024

This action was originally filed in the State of Hawai'i Circuit Court of the First Circuit ("state court"). See Notice of Removal of Civil Action Under 28 U.S.C. §§ 1442(a)(1) and 1446, filed 11/17/23 (dkt. no. 1) ("Notice of Removal"), Declaration of C. Michael Heihre ("Heihre Removal Decl."), Exh. E (copies of filings in the state court) at PageID.730-74 (Complaint). On May 1, 2024, the Order Denying Plaintiff's Motion to Remand was issued ("5/1 Order"). Dkt. no. 85, *also available at* 2024 WL 1907396. This Court is in receipt of a letter, dated May 3, 2024, from Public First Law Center ("Public First" and "5/3 Letter"). [Dkt. no. 93.] The 5/3 Letter states that, prior to the removal of this action, Plaintiff State of Hawai'i, by and through Anne E. Lopez, Attorney General ("the State"), filed a motion to seal the unredacted complaint ("Motion to Seal"), and Public First, which was known as Civil Beat Law Center for the Public Interest at the time, filed an objection to the motion to seal. Id.; see also Heihre Decl., Exh. E at PageID.785-89 (Motion to Seal), PageID.792-801 (objection). Public First appears to argue that, in light of the 5/1 Order, this Court should rule upon the State's Motion to Seal and Public First's objection.

In the 5/1 Order, this Court considered the operative pleading - the State's First Amended Complaint, which was filed in the state court on November 6, 2023 ("Amended Complaint"). See 5/1 Order, 2024 WL 1907396, at \*1-3 (summarizing the allegations of the Amended Complaint); see also Heihre Removal Decl., Exh. A (Amended Complaint). The Amended Complaint contains numerous redactions. See, e.g., Amended Complaint at ¶¶ 18-19, 76-80. However, the State's proposed **unredacted** version of the Amended Complaint was not included among the state court filings that were submitted to this Court. See generally Heihre Decl., Exh. E. Because there were no sealed allegations available to this Court, all of the allegations that this Court considered in the 5/1 Order are already publicly available. Thus, to the extent that Public First asks this Court to unseal documents that have been filed under seal in the instant case, there is nothing for this Court to unseal. To the extent that Public First asks this Court to order the state court to unseal any unredacted documents that were filed in the state court but are not part of

the record in the instant case, this Court declines to do so. This Court will therefore take no action on Public First's 5/3 Letter.

The State has not renewed the Motion to Seal before this Court. If the State wants this Court to consider the unredacted version of the Amended Complaint, the State must either file the unredacted version of the Amended Complaint as a publicly available document or file a motion to seal that complies with Local Rule 5.2, including the requirement that the proposed sealed filing be submitted with the motion to seal. See Local Rule LR5.2(c)(1).

IT IS SO ORDERED.

Submitted by: Nikki Long, Courtroom Manager