CLAIRE WONG BLACK 9645

DENTONS US LLP
1001 Bishop Street, Suite 1800
Honolulu, Hawai‘i 96813
Telephone: (808) 524-1800
E-Mail: claire.black@dentons.com

Counsel for Plaintiffs
ABBVIE INC., ALLERGAN, INC.,
DURATA THERAPEUTICS, INC.,
ABBVIE PRODUCTS LLC,
PHARMACYCLICS LLC, AND
ALLERGAN SALES LLC

Additional counsel listed on next page

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ABBVIE INC. (a Delaware corporation); ALLERGAN, INC. (a Delaware corporation); DURATA THERAPEUTICS, INC. (a Delaware corporation); ABBVIE PRODUCTS LLC (a Georgia limited liability company); PHARMACYCLICS LLC (a Delaware limited liability company); ALLERGAN SALES, LLC (a Delaware limited liability company),

Plaintiffs,

v.

ANNE E. LOPEZ, in her official capacity as ATTORNEY GENERAL OF THE STATE OF HAWAII,

Defendant.

Civil No. 1:25-cv-00230-SASP-WRP

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL (1) EXHIBITS 1, 3, 6-13, 16-17, 18-22 IN SUPPORT OF TRIAL BRIEF; AND (2) UNREDACTED TRIAL BRIEF; LODGED EXHIBITS; PROPOSED ORDER GRANTING MOTION FOR LEAVE TO FILE UNDER SEAL

Judge: Hon. Judge Shanlyn A. S. Park

MEREDITH M. POHL, *pro hac vice*
KING & SPALDING LLP
1700 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20006
Telephone: (202) 626-9553
E-mail: mpohl@kslaw.com

MATTHEW S. OWEN, P.C., *pro hac vice*
GIBSON, DUNN & CRUTCHER
1700 M St., N.W.
Washington, D.C. 20036
Telephone (202) 955-8500
E-mail: mowen@gibsondunn.com

Counsel for Plaintiffs ABBVIE INC., ALLERGAN, INC., DURATA THERAPEUTICS, INC., ABBVIE PRODUCTS LLC, PHARMACYCLICS LLC, AND ALLERGAN SALES LLC

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL (1) EXHIBITS 1, 3, 6-13, 16-17, 18-22 IN SUPPORT OF TRIAL BRIEF; AND (2) UNREDACTED TRIAL BRIEF

Pursuant to LR5.2 of the Local Rules of Practice for the United States District Court of the District of Hawai'i, Plaintiffs AbbVie Inc.; Allergan, Inc.; Durata Therapeutics, Inc.; AbbVie Products LLC; Pharmacyclics LLC; Allergan Sales, LLC (collectively "AbbVie" or "Plaintiffs"), respectfully move for leave to file under seal: (1) Exhibits 1, 3, 6-13, 16-17, 18-22 in support of AbbVie's trial brief, and (2) an unredacted version of AbbVie's trial brief. As discussed below, all but one of the exhibits sought to be sealed was designated "Confidential" or "Attorneys Eyes Only" by non-parties. And AbbVie's trial brief quotes or paraphrases material from those exhibits. Defendant does not oppose this motion.[1]

Exhibits 1, 10, 20 – Third-Party Discovery from Queen's Medical Center. Exhibit 1 comprises excerpts from the transcript of the March 3, 2026 Rule 30(b)(6) deposition of Eric King of third party The Queen's Medical Center ("QMC"). Exhibit 10 (QMC000485) is a contract between QMC and Walgreen Co. Exhibit 20

[1] Pursuant to Section 8.4 of the Amended Protective Order entered by Magistrate Judge Porter on April 15, 2026, Dkt. 108, AbbVie is obligated to file a motion to seal any filing containing un-redacted information designated "Confidential" or "Confidential – Attorneys' Eyes Only." Pursuant to the Amended Protective Order, AbbVie must serve a copy of this motion on any non-parties whose confidential information is subject to the motion to seal, and the affected non-parties shall have 14 days after service of the motion to submit their respective positions to the Court regarding the sealing.

(QMC000665) is a contract between QMC and Accredo Health Group et al. QMC designated the transcript and both contracts "Attorneys Eyes Only" pursuant to the Amended Protective Order in this case, Dkt. 108.

Exhibits 7-9, 11-13, 16 – Third Party Discovery from Castle Medical Center. Exhibit 7 (CMC_Subpoena_Production_000037) is a contract between CMC and Accredo Health Group, Inc. Exhibit 8 (CMC_Subpoena_Production_000060) is a contract between CMC and Sam's Club. Exhibit 9 (CMC_Subpoena_Production_000076) is a contract between CMC and Walgreen Co. Exhibit 11 (CMC_Subpoena_Production_000182) is CMC's 340B contract-pharmacy policy. Exhibit 12 (CMC_Subpoena_Production_000001) is a contract between CMC and CVS Pharmacy, Inc. Exhibit 13 (CMC_Subpoena_Production_000120) is a contract between CMC and Wellpartner, LLC. Exhibit 16 comprises excerpts from the transcript of the September 11, 2026 Rule 30(b)(6) deposition of Thomas Jacobsen of third party Castle Medical Center ("CMC"). CMC designated each of these documents "Attorneys Eyes Only" pursuant to the Amended Protective Order in this case, Dkt. 108.

Exhibits 6, 21-22 – Third-Party Production from Hawai'i Pacific Health. Exhibit 6 comprises excerpts from the transcript of the April 28, 2026 Rule 30(b)(6) deposition of Jennifer Dacumos of third party Hawai'i Pacific Health ("HPH"). Exhibit 21 (HPH_ABBVIE_000125) is a redacted contract between HPH and

Accredo Health Group, Inc. Exhibit 22 (HPH_ABBVIE_000094) is a contract between Hawai‘i Pacific Health ("HPH") and CVS Pharmacy, Inc. HPH designated both contracts "Confidential" and portions of the deposition "Confidential" pursuant to the Amended Protective Order in this case, Dkt. 108.

Exhibit 19 – Third-Party Discovery from Verity Solutions Group. Exhibit 19 comprises excerpts from the transcript of the December 8, 2025 Rule 30(b)(6) deposition of Kimberly Pirtle of third party Verity Solutions Group. Verity designated substantial portions of the transcript "Attorneys Eyes Only" or "Confidential" pursuant to the Amended Protective Order in this case, Dkt. 108.

Exhibit 17 – Sensitive Commercial Information of AbbVie's. Exhibit 17 (ABBVIE_HI-0000001) is a chart representing the number of 340B discounts AbbVie has provided in Hawai‘i. The chart contains and is the product of commercial sensitive and proprietary business information, including confidential sales data. Those data include the identities of entities purchasing drugs, the type of products sold and shipped to a particular pharmacy, quantities of products sold, where those products were shipped, financial information affiliated with the transactions, and more. Such information, if made public, would negatively impact AbbVie's business and competitive position. AbbVie designated this document "Attorneys Eyes Only" pursuant to the Amended Protective Order in this case, Dkt. 108.

Exhibits 3 & 18 – Expert Reports of A. Chen and A. Chandra. Exhibits 3 and 18 are expert reports prepared by two experts that AbbVie expects to call at trial: D. Alice Chen and Dr. Amitabh Chandra. Dr. Chen's report discusses the history of the 340B Program. Dr. Chandra's report discusses how contract-pharmacy arrangements do not result in benefits for patients. Both reports cite material designated confidential under the Amended Protective Order in this case, Dkt. 108.

AbbVie's Trial Brief. AbbVie's trial brief cites and quotes material designated confidential under the Amended Protective Order in this case, Dkt. 108.

Basis for sealing. District courts have discretion to allow a party to file documents under seal based on the relevant facts and circumstances of the particular case. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016) (noting that the standard applied by the district court depends on the motion at issue and its relation to the merits of the case). Because a pre-trial brief is "more than tangentially related" to the merits of this case, the compelling reasons standard applies. *Ctr. for Auto Safety*, 809 F.3d at 1098.

"In general, 'compelling reasons' sufficient to outweigh the public's interest in disclosure and justify sealing court records exist when such court files might have become a vehicle for improper purposes, such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Documents containing

sensitive and proprietary business information may be sealed from public access. *Queen's Med. Ctr. v. Kaiser Found. Health Plan, Inc.*, 2014 WL 1234506, at *3 (D. Haw. Mar. 24, 2014) (sealing exhibits that would reveal prices, payment terms, and services covered by QMC contracts under the compelling-reasons standard). AbbVie's request to seal its own sensitive business information is squarely supported by that rule; revealing the number of 340B discounts provided by AbbVie is akin to revealing sensitive pricing data.

Under the Court's April 16, 2026 Amended Protective Order governing the designation and treatment of confidential discovery materials, materials designated "Confidential" or "Confidential – Attorneys' Eyes Only" shall be filed under seal, subject to court approval. Am. Protective Order § 8.4, Dkt. 108. And by designating their materials "Confidential" or "Confidential – Attorneys' Eyes Only," the above-discussed third parties represented to AbbVie that the information contained in these exhibits is non-public and commercially sensitive, contains trade secrets, and/or is likely to cause harm if disclosed. AbbVie thus seeks to seal those documents as well.

The relief sought is narrowly tailored to allow the judicial record to be as open as possible to the public. AbbVie seeks only to seal exhibits that contain information designated "Confidential" or "Attorneys Eyes Only." And AbbVie will file a redacted copy of its trial brief so as to allow public access to its arguments. Sealing

exhibits filed on the Court's public docket, too, does not foreclose other approaches to disclosure of that material that the Court may elect at trial.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court grant this Unopposed Motion. Plaintiffs further request, pursuant to the Amended Protective Order entered in this case, that the Court allow the affected non-parties 14 days to submit their position on the motion to the Court. Plaintiffs further request that if the Court is not inclined to grant leave to seal the non-party materials, all affected parties be provided notice and an opportunity to submit a statement demonstrating compelling reasons to seal.

DATED: Honolulu, Hawai'i, October 12, 2026.

/s/ Claire Wong Black
CLAIRE WONG BLACK
MATTHEW S. OWEN, *pro hac vice*
MEREDITH M. POHL, *pro hac vice*

Counsel for Plaintiffs
ABBVIE INC., ALLERGAN, INC.,
DURATA, THERAPEUTICS, INC.
ABBVIE PRODUCTS LLC,
PHARMACYCLICS LLC, AND
ALLERGAN SALES, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Plaintiffs' Unopposed Motion For Leave to File Under Seal (1) Exhibits 1, 3, 6-13, 16-17, 18-22 in Support of Trial Brief; and (2) Unredacted Trial Brief** was electronically filed with the Clerk of the Court via the Court's CM/ECF system, which sent notification of such filing to all counsel of record by electronic means.

/s/ Claire Wong Black
Claire Wong Black