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LONGS DRUG STORES CALIFORNIA LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

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.

CIVIL NO. 1:25-cv-00230-SASP-WRP
CIVIL NO. 1:25-cv-00292-SASP-WRP
(Consolidated Cases)

NONPARTY LONGS DRUG STORES CALIFORNIA LLC'S *EX PARTE* UNOPPOSED MOTION TO SEAL EXHIBIT AT TRIAL; DECLARATION OF CHRISTIAN REID; EXHIBIT A; CERTIFICATE OF SERVICE

Trial Judge: Hon. Shanlyn A.S. Park

ANNE E. LOPEZ, in her official capacity as ATTORNEY GENERAL OF THE STATE OF HAWAI'I,

Defendant.

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,

Plaintiff,

v.

ANNE E. LOPEZ, in her official capacity as ATTORNEY GENERAL OF THE STATE OF HAWAI'I,

Defendant.

NONPARTY LONGS DRUG STORES CALIFORNIA LLC'S
***EX PARTE* UNOPPOSED MOTION TO SEAL EXHIBIT AT TRIAL**

Pursuant to Local Civil Rule 5.2, nonparty Longs Drug Stores California LLC ("Longs") moves to seal limited non-public confidential information contained in exhibits that AbbVie, Inc. ("AbbVie") intends to introduce at trial. Longs understands that AbbVie intends to use at trial a declaration Longs provided in this action.[1] Longs narrowly seeks only to seal a single number in the declaration—the

[1] AbbVie has also indicated to Longs that it intends to use at trial certain portions of the transcript of the deposition of Longs' 30(b)(6) corporate designee. But AbbVie has not yet identified to Longs or to the Defendant which portions of that transcript it intends to use. Accordingly, Longs reserves its right to further move to seal portions of that transcript should AbbVie designate them for use as exhibits at trial.

total amount of Longs' revenue associated with its 340B relationship with covered entities in Hawaii between May 2025 and May 2026—because, as the attached declaration of Christian Reid explains, it is the confidential business information of Longs, a nonparty, and its disclosure would competitively disadvantage Longs. Longs respectfully submits herewith a redacted version of the declaration, "Exhibit A," suitable for use in filings on the public docket or in open court. Further, Longs respectfully requests that, should the unredacted Reid Declaration be used in this action, the Court limit the audience in the courtroom to the individuals permitted to view documents designated CONFIDENTIAL – ATTORNEY'S EYES ONLY pursuant to the Amended Protective Order (Dkt. 108) in this case and AbbVie's corporate representative. AbbVie informed Longs that it does not oppose this request, but reserves its rights with respect to post-trial sealing.

I. BACKGROUND

Longs is a chain of retail pharmacies operating in Hawaii. AbbVie subpoenaed Longs on April 3, 2026, to designate a corporate representative to be deposed in Boston, Massachusetts, in connection with this case. After motions practice in this Court, *see* Dkt. 126; Dkt. 134; Dkt. 137, and in the United States District Court for the District of Massachusetts, *see In re Application for Order Enforcing a Subpoena*, Case No. 1:26-mc-91367-LTS (D. Mass.), Longs and

AbbVie "reached a compromise agreement" to resolve AbbVie's motion to compel Longs. Dkt. 152.

As part of that agreement, Longs provided AbbVie with a declaration for use in this case. The declaration from Christian Reid, CVS Pharmacy, Inc.'s Executive Director overseeing a team responsible for, among other things, 340B operations for Longs stores ("Reid Declaration"), detailed Longs' 340B revenue and use thereof. Regarding Longs' revenue, the declaration included the total dollar amount of Longs' revenue associated with its 340B relationships with covered entities in Hawaii between May 2025 and May 2026. In providing the declaration to AbbVie, Longs designated it as "CONFIDENTIAL—ATTORNEYS' EYES ONLY" pursuant to the protective order in this case.

On October 27, 2026, AbbVie informed Longs that it intended to use the Reid Declaration at trial.

II. ARGUMENT

Longs seeks to seal only one number in the Reid Declaration: the total amount of Longs' revenue associated with its 340B relationship with covered entities in Hawaii between May 2025 and May 2026. Longs' request is narrowly tailored to allow the judicial record to be as open as possible to the public, as Longs seeks to seal only one number in one line of the Reid Declaration. Longs produced the Reid Declaration as "CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the

protective order in this case because this number is confidential and commercially sensitive and is likely to cause harm if disclosed publicly. Should AbbVie seek to use the Reid Declaration at trial in this case, the Court should maintain this number under seal because it is confidential business information belonging to a nonparty, the disclosure of which would put the nonparty at a competitive disadvantage.

The amount of revenue associated with Longs' 340B relationships with covered entities in Hawaii should be sealed because it is confidential and commercially sensitive business information belonging to a nonparty.

The public's right of access to judicial records is not unlimited, and non-public, commercially sensitive materials may be sealed from disclosure where the reasons for sealing outweigh the public interest in disclosure. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006); *see also In re Elec. Arts, Inc.*, 298 F. App'x 568, 569–70 (9th Cir. 2008). Thus, even information in an exhibit that "will ineluctably become a part of the judicial record in the underlying case" should be sealed when it contains "business information that might harm a litigant's competitive standing." *In re Elec. Arts*, 298 F. App'x at 569 (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)).

These interests are heightened where the confidential business information belongs not to litigants in the case but to a nonparty. "Courts in the Ninth Circuit have held that protecting the reasonable privacy interest of a non-party constitutes a

compelling reason to seal documents." *United Talent Agency, LLC v. Markel Am. Ins. Co.*, 2023 WL 6449399, at *1 (C.D. Cal. Sept. 29, 2023), *aff'd*, 2025 WL 869213 (9th Cir. Mar. 20, 2025); *see also Perez v. City of Fresno*, 482 F. Supp. 3d 1037, 1042 (E.D. Cal. 2020) ("[C]ourts have recognized certain third parties' privacy interests when considering public disclosure of evidence."); *Rimini St., Inc. v. Oracle Int'l Corp.*, 2019 WL 2358389, at *1 (D. Nev. June 4, 2019) ("[I]nvasion of a third party's privacy interest is a 'compelling reason' for filing a document under seal.").

Longs is not a party to this case, and the total amount of revenue associated with its 340B relationships with covered entities in Hawaii is Longs' confidential and commercially sensitive information. The revenue information in the Reid Declaration has not previously been disclosed. *See* Reid Decl. ¶ 5. Its disclosure in this case would reveal nonparty Longs' confidential financial information, which bears on Longs' strategy and competitive position in Hawaii, to its business customers and competitors. *See* Reid Decl. ¶ 6. Were it to be disclosed in this case, Longs would be competitively disadvantaged, as competitors would have insight into Longs' revenue, strategy, and competitive position in Hawaii. *See* Reid Decl. ¶ 7. Accordingly, the amount of Longs' revenue should be sealed to protect a nonparty's "business information that might harm [its] competitive standing." *In re Elec. Arts*, 298 F. App'x at 569; *see also Primus Grp., Inc. v. Inst. for Env't Health, Inc.*, 395 F. Supp. 3d 1243, 1267 (N.D. Cal. 2019) (recognizing that compelling

reasons support sealing "a company's confidential profit, cost, and pricing information"); *United States v. Omnicare, Inc.*, 2020 WL 13603474, at *2 (D.N.J. May 8, 2020) (granting motion to seal "revenue data" because such data constitutes "sensitive business information").

III. CONCLUSION

For the foregoing reasons, nonparty Longs respectfully requests that this Court grant its *Ex Parte* Unopposed Motion to Seal Exhibit at Trial and permit the parties to use only the redacted version in public court or in filings on the public docket. Longs further respectfully requests that, should the unredacted Reid Declaration be used in this action, the Court limit the audience in the courtroom to the individuals permitted to view documents designated CONFIDENTIAL – ATTORNEY'S EYES ONLY pursuant to the Amended Protective Order (Dkt. 108) in this case and AbbVie's corporate representative.

DATED: Honolulu, Hawai'i, October 28, 2026.

/s/ Douglas S. Chin
DOUGLAS S. CHIN
STARN O'TOOLE MARCUS & FISHER
JOSEPH SANDOVAL-BUSHUR *(pro hac vice)*
WILLIAMS & CONNOLLY LLP
Attorneys for Nonparty
LONGS DRUG STORES CALIFORNIA LLC

IN THE UNITED STATES DISTRICT COURT

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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 HAWAI'I,

Defendant.

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,

Plaintiff,

v.

ANNE E. LOPEZ, in her official capacity as ATTORNEY GENERAL OF THE STATE OF HAWAI'I,

Defendant.

Civil No. 1:25-cv-00230-SASP-WRP
Civil No. 1:25-cv-00292-SASP-WRP
(Consolidated Cases)

DECLARATION OF CHRISTIAN REID

Judge: Hon. Shanlyn A.S. Park

DECLARATION OF CHRISTIAN REID

My name is Christian Reid, and I make this Declaration under penalty of perjury:

1. I am over eighteen years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in this Declaration is based on my personal knowledge or information I learned from employees of Longs Drug Stores California LLC ("Longs") for purposes of preparing this Declaration.
2. I am Executive Director at CVS Pharmacy, Inc., and I oversee a team responsible for, among other things, 340B operations for Longs stores.
3. I have reviewed the declaration of Christian Reid dated October 22, 2026 (the "Reid Declaration").
4. Paragraph 3 of the Reid Declaration identifies the total amount of Longs' revenue associated with its 340B relationships with covered entities in Hawaii for the period between May 2025 and May 2026.
5. The revenue number in Paragraph 3 of the Reid Declaration is considered confidential by Longs. It has not been previously disclosed publicly or to Longs' business customers or competitors.
6. The disclosure of the revenue number in Paragraph 3 of the Reid Declaration would reveal Longs' confidential financial information, which bears on Longs'

strategy and competitive position in Hawaii, to its business customers and competitors.

7. Such disclosure would competitively disadvantage Longs, as competitors would have insight into Longs' revenue, strategy, and competitive position in Hawaii. Such insight would allow Longs' competitors to undermine Longs' strategy and competitive position in Hawaii.

Executed on October 28, 2026.

Christian Reid

EXHIBIT A

[PROPOSED] REDACTED DECLARATION OF CHRISTIAN REID

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

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Plaintiffs,

v.

ANNE E. LOPEZ, in her official capacity as ATTORNEY GENERAL OF THE STATE OF HAWAI'I,

Defendant.

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,

Plaintiff,

v.

ANNE E. LOPEZ, in her official capacity as ATTORNEY GENERAL OF THE STATE OF HAWAI'I,

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DECLARATION OF CHRISTIAN REID

Judge: Hon. Shanlyn A.S. Park

DECLARATION OF CHRISTIAN REID

My name is Christian Reid, and I make this Declaration under penalty of perjury:

1. I am over eighteen years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in this Declaration is based on my personal knowledge or information I learned from employees of Longs Drug Stores California LLC ("Longs Drug") or its indirect parent company CVS Pharmacy, Inc., for purposes of preparing this Declaration.
2. I am Executive Director at CVS Pharmacy, Inc., and I oversee a team responsible for, among other things, 340B operations for Longs Drug stores.
3. For the period between May 2025 and May 2026, the total amount of Longs Drug's revenue associated with its 340B relationships with covered entities in Hawaii was approximately [redacted].
4. Longs Drug understands it has no legal or regulatory obligation to earmark or use profits earned in connection with provision of 340B-related services for any particular purpose.
5. Longs Drug does not earmark or use any profits earned in connection with provision of 340B-related services for any particular purpose.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 22, 2026.

/s/ Christian Reid
Christian Reid