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Attorneys for Nonparty
WELLPARTNER 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 WELLPARTNER LLC'S *EX PARTE* UNOPPOSED MOTION TO SEAL EXHIBIT AT TRIAL; DECLARATION OF DARREN WEST; 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 WELLPARTNER LLC'S *EX PARTE*
UNOPPOSED MOTION TO SEAL EXHIBIT AT TRIAL

Pursuant to Local Civil Rule 5.2, nonparty Wellpartner LLC ("Wellpartner") moves to seal limited non-public confidential information contained in exhibits that AbbVie, Inc. ("AbbVie") intends to introduce at trial. Wellpartner understands that AbbVie intends to use at trial a declaration Wellpartner provided in this action. Wellpartner narrowly seeks only to seal a single number in the declaration—the total amount of administrative fees Wellpartner received from covered entities in Hawaii between May 2025 and May 2026—because, as the attached declaration of Darren West explains, it is the confidential business information of Wellpartner, a nonparty, and its disclosure would competitively disadvantage Wellpartner. Wellpartner

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, Wellpartner respectfully requests that, should the unredacted West 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 Wellpartner that it does not oppose this request, but reserves its rights with respect to post-trial sealing.

I. BACKGROUND

Wellpartner LLC is a 340B third party administrator that provides covered entities with 340B administrative services. AbbVie subpoenaed Wellpartner on January 30, 2026, to designate a corporate representative to be deposed in Portland, Oregon, in connection with this case. After motions practice in this Court, *see* Dkt. 125; Dkt. 133; Dkt. 136, and in the United States District Court for the District of Oregon, *see AbbVie, Inc. v. Lopez*, Case No. 3:26-mc-00715 (D. Or.), Wellpartner and AbbVie "reached an agreement in principle on a declaration that Wellpartner would provide to" AbbVie to resolve the subpoena and pending motions. Dkt. 11, *AbbVie, Inc. v. Lopez*, Case No. 3:26-mc-00715 (D. Or.).

Under that agreement, Wellpartner provided AbbVie with a declaration for use in this case. The declaration from Darren West, Wellpartner's Vice President

and General Manager ("West Declaration"), detailed Wellpartner's agreements with covered entities, its virtual inventory replenishment system, its role in determining patient eligibility, and Wellpartner's 340B revenue. Regarding Wellpartner's revenue, the declaration included the total dollar amount of administrative fees Wellpartner received from covered entities in Hawaii between May 2025 and May 2026. In providing the declaration to AbbVie, Wellpartner designated it as "CONFIDENTIAL—ATTORNEYS' EYES ONLY" pursuant to the protective order in this case.

On October 16, 2026, AbbVie informed Wellpartner that it intended to use the West Declaration at trial.

II. ARGUMENT

Wellpartner seeks to seal only one number in the West Declaration: the total amount of administrative fees it received from covered entities in Hawaii between May 2025 and May 2026. Wellpartner's request is narrowly tailored to allow the judicial record to be as open as possible to the public, as Wellpartner seeks to seal only one number in one line of the West Declaration. Wellpartner produced the West 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 West 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 administrative fees Wellpartner receives from 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.").

Wellpartner is not a party to this case, and the total amount of administrative fees it receives from covered entities in Hawaii is Wellpartner's confidential and commercially sensitive information. The revenue information in the West Declaration has not previously been disclosed. *See* West Decl. ¶ 5. Its disclosure in this case would reveal nonparty Wellpartner's confidential financial information, which bears on Wellpartner's strategy and competitive position in Hawaii, to its business customers and competitors. *See* West Decl. ¶ 6. Were it to be disclosed in this case, Wellpartner would be competitively disadvantaged, as competitors would have insight into Wellpartner's revenue, strategy, and competitive position in Hawaii. *See* West Decl. ¶ 7. Accordingly, the amount of Wellpartner's 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 Wellpartner 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. Wellpartner further respectfully requests that, should the unredacted West 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
WELLPARTNER LLC

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 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 DARREN WEST

Judge: Hon. Shanlyn A.S. Park

DECLARATION OF DARREN WEST

My name is Darren West, 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 Wellpartner LLC ("Wellpartner") for purposes of preparing this Declaration.
2. I am Vice President and General Manager at Wellpartner LLC.
3. I have reviewed the declaration of Darren West dated September 28, 2026 (the "West Declaration").
4. Paragraph 21 of the West Declaration identifies the total amount of administrative fees Wellpartner received from covered entities in Hawaii for the period between May 2025 and May 2026.
5. The revenue number in Paragraph 21 of the West Declaration is considered confidential by Wellpartner. It has not been previously disclosed publicly or to Wellpartner's business customers or competitors.
6. The disclosure of the revenue number in Paragraph 21 of the West Declaration would reveal Wellpartner's confidential financial information, which bears on Wellpartner's strategy and competitive position in Hawaii, to its business customers and competitors.

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

Executed on October 28, 2026.

Darren West IN SCOTTSDALE, AZ

EXHIBIT A

[PROPOSED] REDACTED DECLARATION OF DARREN WEST

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 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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Civil No. 1:25-cv-00230-SASP-WRP
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DECLARATION OF DARREN WEST

Judge: Hon. Shanlyn A.S. Park

DECLARATION OF DARREN WEST

My name is Darren West, 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 other employees of Wellpartner, LLC ("Wellpartner") for purposes of preparing this Declaration.

2. I am Wellpartner's Vice President and General Manager.

I. Wellpartner

3. Wellpartner is a third party administrator that provides covered entities with 340B administrative services.

4. As of the date this Declaration was executed, Wellpartner has contracts with 19 covered entities in Hawaii, including Hilo Medical Center, Pali Momi Medical Center, Straub Clinic & Hospital, and the Queen's Medical Center.

II. Agreements with Covered Entities

5. Wellpartner's contracts with covered entities state that Wellpartner will, upon the covered entity's request and in coordination with the covered entity, provide the following services (among others):

   (i) provide appropriate regional pharmacy mapping and engage in pharmacy outreach, and recommend to the covered entity appropriate pharmacies that may serve in the covered entity's network of contract pharmacies,

   (ii) assist the covered entity in its contracting for third-party vendor services as necessary for the ongoing management and support of the covered entity's 340B programs,

   (iii) assist the covered entity as needed in the contracting process with pharmacies, and

   (iv) assist the covered entity with the administration of the covered entity's Discount Cash Plan(s).

6. A Discount Cash Plan is a financial assistance program established by a covered entity, at the covered entity's election, for certain uninsured or underinsured eligible patients wherein a covered entity subsidizes drug costs and dispensing fees for eligible patients.

7. Wellpartner's contracts with covered entities state that the covered entity will do the following (among other things):

    (i) assist Wellpartner in confirming proper set-up of Wellpartner's system to ensure all relevant and pertinent information for the covered entity's 340B program is entered correctly,

    (ii) conduct periodic audits of reports and data to ensure proper qualification of claims eligible for 340B, and

    (iii) coordinate with Wellpartner in the implementation of any quality assurance programs and process improvement initiatives reasonably requested by the covered entity.

8. Wellpartner also provides services related to covered drug dispensing and program reports, financial reconciliation, and inventory management services.

9. Covered entities determine which drugs qualify as 340B processed drugs by establishing 340B claims qualification criteria that are provided to Wellpartner for each contracted pharmacy location.

10. Wellpartner receives information regarding claims directly from the contract pharmacy or from the contract pharmacy's claim switching service.

11. Wellpartner tallies 340B processed drugs dispensed by contract pharmacy locations to eligible patients to determine the inventory to be replenished.

12. The covered entity, or Wellpartner on the covered entity's behalf, orders 340B processed drugs to be shipped directly to the pharmacy and billed to the covered entity (in the form of a "ship to, bill to" arrangement).

13. Wellpartner's contracts with covered entities set forth a fee schedule. Wellpartner's contracts with covered entities in Hawaii provide that, for each 340B drug processed by Wellpartner, the covered entity shall reimburse Wellpartner an administrative fee equal to the greater of $4 or 14% of the difference between the total amount paid for a claim and the 340B price.

III. Virtual Inventory Replenishment System

14. Pursuant to its contracts with covered entities, Wellpartner agrees to maintain a virtual inventory replenishment system on behalf of the covered entity and contract pharmacy. Pursuant to those contracts, Wellpartner tallies the quantities dispensed of 340B processed drugs and determines the inventory to be replenished to the contract pharmacy. Also pursuant to those contracts, Wellpartner orders, for delivery to the contract pharmacy, drugs that have been determined to be eligible and have reached a full package size but have not yet been delivered to the contract pharmacy.

15. Pursuant to its contracts with covered entities, following the dispensing of a claim by a contract pharmacy, Wellpartner reviews claim information received from the pharmacy and the covered entity's 340B claims qualification criteria (along with covered entity-provided prescriber list and encounter data files), and any other information which Wellpartner deems necessary for determining whether the claim is 340B eligible.

IV. Patient Eligibility

16. Covered entities provide Wellpartner with their patient eligibility criteria.

17. Not all covered entities use the same patient eligibility criteria.

18. Wellpartner uses claims data to apply the covered entity's eligibility criteria and determine which dispenses were 340B-eligible.

19. This determination is made through Wellpartner's software.

V. 340B Revenue and Profits

20. Covered entities agree to reimburse Wellpartner an administrative fee for its services.

21. For the period between May 2025 and May 2026, the total amount of administrative fees Wellpartner received from covered entities in Hawaii was approximately [redacted].

22. Wellpartner 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 September 28, 2026.

/s/ Darren West
Darren West