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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.

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

PLAINTIFFS' SUPPLEMENTAL STATUS REPORT REGARDING TRIAL EXHIBITS AND EVIDENCE DESIGNATED CONFIDENTIAL BY THIRD PARTIES

Trial Date: November 16, 2026

Judge: Hon. Shanlyn A.S. Park

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As indicated in yesterday's status report, Dkt. 217, Plaintiffs (collectively, "AbbVie") respectfully write to further update the Court as to the sealing disputes remaining ahead of the trial scheduled to begin on November 16, 2026. As a follow-up to last evening's status report, AbbVie can now formally confirm that it reached resolution of the outstanding sealing disputes filed by Queen's Medical Center ("Queen's") (Dkt. 186) and Optum Pharmacy 702 LLC ("Optum") (Dkt. 190).

As of this filing, despite additional meet and confer efforts on November 5, 2026, the same disputes remain as articulated in yesterday's status report. With respect to the four outstanding disputes listed below, AbbVie rests on its description of those disputes in the November 4, 2026 Status Report and previous submissions as to these disputes, with the exception of Walgreens, about which further information regarding continued negotiations is provided below. *See, e.g.*, Dkt. 217.

Exhibit	**Document**	**Movant(s)**	**Allegedly Sensitive Information**
PX 18	Contract between Queen's Medical Center and Walgreen Co.	Walgreens	Undisclosed
PX 47, PX 47-A (sub-exhibit)	Contract, and amendment, between Walgreen Co. and Castle Medical Center	Walgreens	Undisclosed
PX 75	Declaration of Andrew Bowling	Accredo	Fees
PX 78	Declaration of Darren West	Wellpartner	Revenue figure
PX 79	Declaration of Christian Reid[1]	CVS Longs	Revenue figure

[1] For clarity, AbbVie notes that a materially identical dispute by CVS and Wellpartner (whether to seal the same dollar figures from the same declarations of Reid and West) is also currently pending before Judge Porter. *See* Dkt. 214.

Queen's Medical Center. On November 5, 2026, AbbVie and Queen's fully resolved their outstanding sealing dispute reflected at Dkt. 188 by both email at 6:00pm EST and a follow-up telephone conversation at 6:48pm EST. As part of that resolution, Queen's no longer seeks to limit courtroom access, and in exchange AbbVie will agree to use versions of Queen's contract pharmacy services agreements produced with redactions as to 340B fee terms. As part of this agreement, AbbVie shall be allowed to put before the Queen's witness, Mr. Eric King, public government documents containing actual 340B contract pharmacy fee information and elicit testimony that those fees listed are substantially similar to those paid by Queen's under their contract pharmacy services arrangements with the same pharmacies.[2] AbbVie has agreed not to intentionally question Mr. King in a manner that would require disclosure of the specific pricing terms in Queen's contracts.

Optum Pharmacy. On a phone call at 5:38pm EST on November 5, 2026, counsel for AbbVie and Optum Pharmacy 702 LLC finalized their resolution to Optum's previous sealing motion. *See* Dkt. 190. As part of its evidentiary presentation, AbbVie will agree to use a version of Optum's contract pharmacy

[2] AbbVie has reached a similar agreement with Hawai'i Pacific Health, which AbbVie notified the court of yesterday, Dkt. 217, and has since formalized in writing between the parties.

services agreement that redacts specific 340B fee terms. In exchange, Optum will furnish, and AbbVie shall be allowed to use at trial, a declaration that contains a range of Optum's 340B fees charged to Hawai'i covered entities as part of their contract pharmacy services agreements with Optum.

Walgreens. Throughout the day on November 5, 2026,[3] AbbVie and Walgreens discussed a potential compromise agreement culminating in AbbVie proposing narrowly tailored redactions to the 340B fee amounts. Walgreens responded that it would need broader redaction of the entirety of its contractual addendum relating to fees. During those discussions, Walgreens took the position that its 340B "fee structure" should also be sealed, warranting redaction of the entire contractual schedule. AbbVie explained that Walgreens' general fee structure is summarized in a chart in the same publicly available Senate Report AbbVie referenced in its November 4, 2026 Status Report, Dkt. 217 at 6, n.8:[4]

[3] Counsel for AbbVie and Walgreens further met and conferred by phone at 1:00pm EST and again 6:02pm EST on November 5, 2026, and also corresponded via email.

[4] Majority Staff of S. Comm. on Health, Educ., Lab., & Pensions, 119th Cong., Congress Must Act to Bring Needed Reforms to the 340B Drug Pricing Program, 18-24 (2025) ("Senate HELP Report"), https://tinyurl.com/mpnutdth (listing CVS, Wellpartner, and Walgreens dispensing fees and TPA fees under contracts with multiple covered entities).

	Walgreens Dispensing Fees			
	Insured Patients		Uninsured Patients	
Cleveland Clinic	**Brand Drugs**	**Generic Drugs**	**Brand Drugs**	**Generic Drugs**
Retail Pharmacy	$15	$15	$15	$15
Specialty Pharmacy	$65	-	-	-
Sun River	**Brand Drugs**	**Generic Drugs**	**Brand Drugs**	**Generic Drugs**
Retail Pharmacy	$15	$15	$15	$15
Yakima Valley	**Brand Drugs**	**Generic Drugs**	**Brand Drugs**	**Generic Drugs**
Retail Pharmacy	$13	$13	$13	$13

In light of the previous publication of Walgreens' fee structure information by the federal government, AbbVie does not believe the contractual addendum warrants wholesale sealing; such a proposal is overbroad. AbbVie remains of the view that narrowly tailored redactions to the fee amounts themselves would be appropriate to shield any arguably confidential information, if the Court determined it were necessary. In the absence of any agreement, it is AbbVie's understanding that the parties remain in the same position as articulated in the November 4, 2026 Status Report, Dkt. 217.

DATED: Honolulu, Hawai'i, November 5, 2026.

/s/ Claire Wong Black
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