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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
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13 **IN RE INCRETIN-BASED**
14 **THERAPIES PRODUCTS**
15 **LIABILITY LITIGATION**

16 *As to All Related and Member Cases*
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Case No. 13-md2452-AJB (MDD)

MDL 2452

**DECLARATION OF AMY J.
LAURENDEAU IN SUPPORT OF
DEFENDANTS AMYLIN
PHARMACEUTICALS, LLC AND
ELI LILLY AND COMPANY'S
MOTION TO STRIKE OR SEAL
CONFIDENTIAL
INFORMATION IN CERTAIN
DOCUMENTS ATTACHED TO
PLAINTIFFS' PAPERS
RELATED TO THE DEFENSE OF
PREEMPTION.**

Hon. Anthony J. Battaglia

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1 I, Amy J. Laurendeau, declare as follows:

2 1. I am an attorney duly licensed to practice in the State of California,
3 and I am a partner at the law firm of O'Melveny & Myers, LLP, counsel of record
4 for Defendant Amylin Pharmaceuticals, LLC ("Amylin") in this litigation. I am
5 making this declaration in support of Defendants' Motion to Strike or Seal
6 Confidential Information in Certain Documents Attached to Plaintiffs' Papers
7 Related to the Defense of Preemption. I have personal knowledge of the facts set
8 forth herein and, if called to testify, I could and would testify competently hereto.

9 2. Sections in each of Dr. Madigan's expert reports discuss and disclose
10 Amylin's confidential and proprietary information and the content of documents
11 produced by Amylin containing such information. As demonstrated below,
12 compelling reasons exist to seal these sections of Dr. Madigan's reports. While this
13 Declaration and the Declaration of Matthew J. Hamilton each address specific
14 sections of the Madigan report (and the documents to which they relate), Amylin
15 and Eli Lilly and Company ("Lilly") as alliance partners share a common interest in
16 the confidential nature of their documents and each relies upon and adopts the
17 rationale offered by the other.

18 3. I have reviewed Dr. Madigan's reports and the documents produced by
19 Amylin referenced in these reports.

20 4. The confidential sections of Dr. Madigan's reports that Amylin seeks
21 to maintain under seal are as set forth below:

22 a. **Madigan Preemption report at page 3, ¶ 8; Madigan**
23 **General Causation report at page 3, ¶ 9:** These sections of Dr. Madigan's reports
24 discuss Amylin's internal pharmacovigilance and safety analyses regarding
25 pancreatic cancer and confidential communications between Amylin and Lilly
26 employees regarding preliminary safety data relating to a potential pancreatic
27 cancer safety signal. Further, each section is based in part on AMYLN00240832, a
28 document produced by Amylin and designated "Confidential" pursuant to the

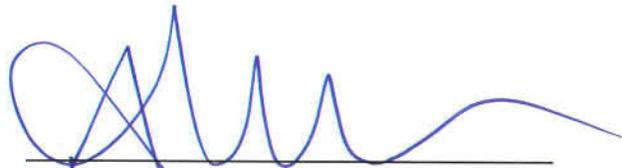
1 Protective Order entered in this litigation (the “Protective Order”). This document
2 is an internal Amylin company document that reflects Amylin’s internal
3 pharmacovigilance and safety analyses of potential safety signals for Byetta.

4 **b. Madigan Preemption report at page 10, ¶ 33; Madigan**
5 **General Causation report at page 4, ¶ 13:** These sections of Dr. Madigan’s
6 reports discuss Amylin’s internal pharmacovigilance and safety analyses regarding
7 pancreatic cancer. Further, each section is based on AMYLN03058141, a
8 document produced by Amylin and designated “Confidential” pursuant to the
9 Protective Order. This document consists of excerpts of a draft internal Amylin
10 company document that summarizes and analyzes adverse event data for Byetta and
11 competitor products.

12 c. Exhibits 4 and 11 to the Declaration of Ana C. Reyes in Support
13 of Merck Sharp & Dohme Corp.’s Motion to Seal the Parties’ Summary Judgment
14 Memoranda on the Affirmative Defense of Preemption and Accompanying Exhibits
15 are proposed public versions of Plaintiffs’ Exhibits which reflect these limited
16 redactions of Amylin’s confidential material, as well as those identified by
17 defendants Merck and Novo Nordisk in their Motions to Seal.

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19 I declare under penalty of perjury under the laws of the United States
20 that the foregoing is true and correct. Executed on August 21, 2015 at Newport
21 Beach, California.



Amy J. Laurendeau