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23 **UNITED STATES DISTRICT COURT**
24 **SOUTHERN DISTRICT OF CALIFORNIA**

25 **IN RE INCRETIN-BASED**
26 **THERAPIES PRODUCTS**
27 **LIABILITY LITIGATION**

28 *As to All Related and Member Cases*

Case No. 13-md2452-AJB (MDD)

MDL 2452

MOTION TO SEAL
DEFENDANTS AMYLIN
PHARMACEUTICALS, LLC'S,
ELI LILLY AND COMPANY'S
AND MERCK SHARP & DOHME
CORP.'S OPPOSITION TO
PLAINTIFFS' MOTION
OPPOSING CLAIM OF
ABSOLUTE PROTECTION FOR
LEADER CLINICAL TRIAL
DATA AND REQUEST FOR
CLAWBACK

Date: September 9, 2015

Time: 2:30 p.m.

Hon. Anthony J. Battaglia

1 Pursuant to CivLR 79.2(b), ECF Administrative Policies and Procedures 2(j),
2 and the Honorable Anthony J. Battaglia’s Civil Case Procedures Section IV, and
3 Section 11(a) of the parties agreed-upon Amended Protective Order, Defendants
4 respectfully request an Order to file their Opposition To Plaintiffs’ Motion
5 Opposing Claim Of Absolute Protection For Leader Clinical Trial Data And
6 Request For Clawback under seal.

7 Plaintiffs consent to Defendants filing their Opposition under seal. More
8 specifically, Defendants’ Opposition references the current discovery dispute
9 between Defendant Novo Nordisk Inc. and Plaintiffs concerning clawback of
10 certain confidential material. Because this dispute involves information of the most
11 sensitive nature, Defendants Amylin, Lilly, and Merck wish to ensure that the
12 information at issue remains confidential.

13 In light of the Court’s prior rulings on confidentiality matters, and for the
14 reasons set forth above, Defendants request an Order allowing the filing of the
15 above referenced document under seal.

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1 Dated: August 26, 2015

Respectfully submitted,

2 RICHARD B. GOETZ
3 AMY J. LAURENDEAU
4 O'MELVENY & MYERS LLP

5 By: s/ Amy J. Laurendeau
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19 By: s/ Kenneth J. King
20 Kenneth J. King
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Eli Lilly and Company, a
22 Corporation

23 SIGNATURE ATTESTATION

24 Pursuant to Section 2.f.4 of the Court's CM/ECF Administrative Policies, I
25 hereby certify that authorization for the filing of this document has been obtained
26 from each of the other signatories shown above and that all signatories have
27 authorized placement of their electronic signature on this document.

28 By: s/ Amy J. Laurendeau
Amy J. Laurendeau

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2015, I electronically filed the foregoing with the clerk of the court using the CM/ECF system which will send notification of such filing to the e-mail address denoted on the electronic Mail Notice List.

By: s/ Amy J. Laurendeau
Amy J. Laurendeau