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15 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
16

17 CHERYL J. WHITE, SUCCESSOR TO
WILLIAM WHITE,

18 Plaintiff,

19 v.

20 NOVARTIS PHARMACEUTICALS
CORPORATION,

21 Defendant.
22

Case No. 2:06-CV-00665-WBS-GGH

Complaint Filed: March 29, 2006

Trial Date: November 16, 2010

23
24 **[PROPOSED] ORDER TO SEAL DOCUMENTS**

25 The Court, having considered, pursuant to Civil Local Rule 141, the request by defendant
26 Novartis Pharmaceuticals Corporation (“NPC”) to seal certain exhibits (or parts of exhibits) upon
27 which NPC relies in support of its July 7, 2010 *Daubert* motions, and for good cause shown,
28

1 hereby grants NPC's request orders that the following documents be maintained under seal until
2 further order of the Court:

3
4 **A. Certain Exhibits to Declaration of Martin Calhoun in Support of NPC's**
5 ***Daubert* Motion to Exclude Expert Testimony of Plaintiff's Expert Wayne**
6 **Ray, Ph.D. (Docket No. 88)**

7 **Exhibit 5:** Arrowsmith Expert Report. This document shall be maintained by the Court under
8 seal.

9 **Exhibit 9:** Zometa[®] Periodic Safety Update Report 10. This document shall be maintained by
10 the Court under seal.

11 **Exhibit 16:** Expert Report of Professor Wayne Ray. NPC filed this exhibit publicly with the
12 exception of redacting sections 6.1.2 and 6.1.3. The unredacted copy of this document shall be
13 maintained by the Court under seal.

14 **Exhibit 17:** Revised Expert Report of Professor Wayne Ray. NPC filed this exhibit publicly
15 with the exception of redacting sections 6.1.2 and 6.1.3. The unredacted copy of this document
16 shall be maintained by the Court under seal.

17 **Exhibit 57:** Revised Versions of Professor Ray's Figure 7 and Figure 8 as filed under seal in *In*
18 *re Aredia and Zometa Prods. Liab. Litig.*, 3:06-md-1760 in support of NPC's Daubert Mot. to
19 Exclude Test. of Pl.'s Expert Wayne Ray, Ph.D. (M.D. Tenn. June 1, 2009) (MDL Docket No.
20 2386). This document shall be maintained by the Court under seal.

21 **B. Certain Exhibits to Declaration of Martin Calhoun in Support of NPC's**
22 ***Daubert* Motion to Exclude Expert Testimony of Plaintiff's Expert Robert**
23 **Fletcher, M.D. (Docket No. 78)**

24 **Exhibit 3:** J. Caminis et al., Maxillofacial Complication Adjudication Committee Charter (June
25 8, 2005). This document shall be maintained by the Court under seal.

26 **Exhibit 4:** John Grbic & Regina Landesberg, Special Expert Evaluation Report (SpEER) of
27 Maxillofacial Adverse Events of 5 mg Zoledronic Acid Given Once Yearly (Jan. 3, 2007). This
28 document shall be maintained by the Court under seal.

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C. Certain Exhibits to Declaration of Martin Calhoun in Support of NPC’s Daubert Motion to Exclude Expert Testimony of Plaintiff’s Expert James Vogel, M.D. (Docket No. 70)

Exhibit 1: Vogel Expert Report. NPC shall publicly file this report with redactions of paragraphs 26, 36(f), 40, 51, and 60. The unredacted copy of this document shall be maintained by the Court under seal.

Exhibit 3: Transcript of the Deposition of Dr. James Vogel (Jan. 7, 2010). NPC seeks to seal pages 319-24 of this transcript. These pages will be maintained under seal by the Court. NPC shall publicly file the other pages of Exhibit 3.

D. Certain Exhibits to Declaration of Martin Calhoun in Support of NPC’s Daubert Motion to Exclude Expert Testimony of Plaintiff’s Expert Suzanne Parisian (Docket No. 83)

Exhibit 6: Expert Report of Dr. Suzanne Parisian. This document shall be maintained by the Court under seal.

Exhibit 9: Rebuttal Report of Dr. Suzanne Parisian. This document shall be maintained by the Court under seal.


Exhibit 13: Parisian Testimony Table. This document shall be maintained by the Court under seal.

E. Exhibit to Declaration of Martin Calhoun in Support of NPC’s Daubert Motion to Exclude Causation Testimony of Plaintiff’s Non-Retained Experts (Docket No. 94)

Exhibit 51: Expert Report of Nelson Rhodus. NPC shall publicly file all pages upon which it relied in support of this *Daubert* motion.

DATED: July 12, 2010

SO ORDERED:



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

1 Date: July 8, 2010

Respectfully submitted,

3 /s/ Martin C. Calhoun

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