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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE AIMMUNE THERAPEUTICS,  
INC. SECURITIES LITIGATION

Case No. 20-cv-06733-MMC

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIAL SHOULD BE  
SEALED IN CONNECTION WITH CO-  
LEAD PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT;  
DIRECTIONS TO PLAINTIFFS**

Before the Court is plaintiffs' "Administrative Motion to Consider Whether Another Party's Material Should Be Sealed in Connection with Co-Lead Plaintiffs' Motion for Partial Summary Judgment," filed June 14, 2024 (Doc. No. 148 ("Administrative Motion")), whereby plaintiffs seek to file under seal the following materials, which, plaintiffs state, have been designated as confidential by defendants: (1) portions of "Co-Lead Plaintiffs' Motion for Partial Summary Judgment and Memorandum of Supporting Points and Authorities" (Doc. No. 153); and (2) exhibits attached to the "Declaration of Juan E. Monteverde in Support of Co-Lead Plaintiffs' Motion for Partial Summary Judgment" (Doc. No. 154 ("Monteverde Declaration")). In response to the Administrative Motion, defendants have filed a Declaration in support of sealing. (See Declaration of Barbara Sanchez (Doc. No. 179).)

The Court having read and considered the above-referenced submissions, the Administrative Motion is hereby GRANTED in part and DENIED in part as follows:

1. To the extent the Administrative Motion seeks leave to file under seal portions of "Co-Lead Plaintiffs' Motion for Partial Summary Judgment and Memorandum of

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Northern District of California

1 Supporting Points and Authorities” the Administrative Motion is GRANTED as to:<sup>1</sup>

- 2 • page 9, lines 17-19 (the first bullet point on the page);
- 3 • page 12, lines 4-6 (the second bullet point on the page);
- 4 • page 12, lines 11-12 (the fifth bullet point on the page);
- 5 • page 12, lines 13-17;
- 6 • page 13, lines 4-6;
- 7 • page 13, footnote 45;
- 8 • page 24, lines 11-12.

9 In all other respects, the Administrative Motion is DENIED, the designating parties  
10 not having sought to have other portions sealed.

11 2. To the extent the Administrative Motion seeks leave to file under seal the  
12 deposition transcript of Gregory Behar (December 21, 2023) (Monteverde. Decl.  
13 Attachment 2, Doc. No. 154-2), the administrative motion is GRANTED as to the  
14 following page and line numbers:

- 15 • 7:24;
- 16 • 8:3-6;
- 17 • 8:14;
- 18 • 8:17-19;
- 19 • 9:11-12;
- 20 • 9:16;
- 21 • 13:25;
- 22 • 15:23-16:3;
- 23 • 16:17-19:5;
- 24 • 20:19-21;
- 25 • 20:24-21:11;

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27 <sup>1</sup> The below listed seven page/line numbers correspond to the text highlighted in  
28 gray in Attachment 1 to the Administrative Motion. (See Doc. No. 148-1.)

United States District Court  
Northern District of California

- 1 • 21:13-21;
- 2 • 21:24-22:3;
- 3 • 27:25-28:5;
- 4 • 29:9-16;
- 5 • 30:6-12;
- 6 • 30:14-21;
- 7 • 31:4-12;
- 8 • 35:8-36:3;
- 9 • 36:5-12;
- 10 • 38:5-40:1;
- 11 • 40:5-19;
- 12 • 40:23-41:2;
- 13 • 41:16-43:2;
- 14 • 45:16-46:23;
- 15 • 47:13-50:6;
- 16 • 50:25-53:20;
- 17 • 54:3-59:15;
- 18 • 71:21-23;
- 19 • 72:2-18;
- 20 • 74:12-79:18;
- 21 • 80:11-96:18;
- 22 • 98:16-103:25;
- 23 • 104:3-105:14;
- 24 • 105:18-22;
- 25 • 106:18-107:8;
- 26 • 107:10-16;
- 27 • 108:21-111:12;
- 28 • 111:15-20;

- 1 • 111:24-115:16;
- 2 • 115:19-24;
- 3 • 116:3-117:4;
- 4 • 119:15-22;
- 5 • 122:3-4;
- 6 • 122:7-14;
- 7 • 126:12-127:17;
- 8 • 127:22-128:6;
- 9 • 128:11-129:7;
- 10 • 132:5-14;
- 11 • 132:20-22;
- 12 • 134:17-135:22;
- 13 • 136:2-11;
- 14 • 137:19-138:2;
- 15 • 140:6-12;
- 16 • 140:25-141:6;
- 17 • 141:12-15;
- 18 • 141:18-142:16;
- 19 • 143:14-144:3;
- 20 • 144:10-24;
- 21 • 145:3-11;
- 22 • 146:21-147:22;
- 23 • 148:3-21;
- 24 • 149:2-25;
- 25 • 150:8-151:9;
- 26 • 158:14-21;
- 27 • 159:3-10;
- 28 • 160:6-21;

- 1 • 160:24-162:5;
- 2 • 166:11-171:21;
- 3 • 172:4-173:20;
- 4 • 174:6-13;
- 5 • 174:17-23;
- 6 • 176:11-23;
- 7 • 177:7-21;
- 8 • 178:19-179:7.

9 In all other respects, the Administrative Motion is DENIED, the designating parties  
10 not having sought to have other portions sealed.

11 3. To the extent the Administrative Motion seeks leave to file under seal the  
12 deposition transcript of Martin Hendrix (December 19, 2023) (Monteverde. Decl.  
13 Attachment 8, Doc. No. 154-8), the administrative motion is GRANTED as to the  
14 following page and line numbers:

- 15 • 10:8-9;
- 16 • 14:14-22;
- 17 • 17:20-25;
- 18 • 18:4-20;
- 19 • 18:22-19:9;
- 20 • 19:11-13;
- 21 • 19:15-18;
- 22 • 22:7-16;
- 23 • 22:18-19;
- 24 • 22:22-24;
- 25 • 23:1-5;
- 26 • 24:1-8;
- 27 • 24:15-25:1;
- 28 • 32:2-11;

- 1 • 34:13-20;
- 2 • 34:22-25;
- 3 • 35:4-7;
- 4 • 35:10-15;
- 5 • 35:18-19;
- 6 • 36:3-5;
- 7 • 36:13-20;
- 8 • 36:22-25;
- 9 • 37:3;
- 10 • 37:8-16;
- 11 • 38:7-24;
- 12 • 39:1-7;
- 13 • 43:5-19;
- 14 • 44:3-5;
- 15 • 44:7;
- 16 • 44:14-17;
- 17 • 44:19;
- 18 • 45:2-9;
- 19 • 47:18-22;
- 20 • 48:1-17;
- 21 • 49:8-25;
- 22 • 50:4-5;
- 23 • 50:16;
- 24 • 50:19-52:20;
- 25 • 52:23-24;
- 26 • 53:2-3;
- 27 • 55:3-10;
- 28 • 55:13-16;

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- 1 • 55:20-25;
- 2 • 56:19-57:11;
- 3 • 57:15-58:5;
- 4 • 58:21-23;
- 5 • 59:1-3;
- 6 • 59:5-15;
- 7 • 59:19-22;
- 8 • 59:24-25;
- 9 • 60:2-4;
- 10 • 60:19-61:5;
- 11 • 61:23-62:11;
- 12 • 62:16-22;
- 13 • 63:6-64:4;
- 14 • 70:24-71:12;
- 15 • 74:5-12;
- 16 • 77:13-19;
- 17 • 78:7-79:6;
- 18 • 80:19-23;
- 19 • 81:4-23;
- 20 • 82:2-5;
- 21 • 82:12-18;
- 22 • 83:2-15;
- 23 • 83:17-22;
- 24 • 84:17-85:22;
- 25 • 86:15-17;
- 26 • 86:21-88:15;
- 27 • 88:19-23;
- 28 • 89:3-4;

- 1 • 89:9-12;
- 2 • 89:15-20;
- 3 • 90:12-13;
- 4 • 90:18-91:12;
- 5 • 91:14-16;
- 6 • 91:22-92:4;
- 7 • 93:19-22;
- 8 • 93:24-95:3;
- 9 • 96:18-20;
- 10 • 97:1-4;
- 11 • 97:6-10;
- 12 • 98:1-12;
- 13 • 99:2-5;
- 14 • 104:24-105:8;
- 15 • 105:11-12;
- 16 • 105:14-18;
- 17 • 107:24-108:10;
- 18 • 108:12-22;
- 19 • 109:10-22;
- 20 • 110:14-16;
- 21 • 122:17-20;
- 22 • 123:4-124:17;
- 23 • 126:3-19;
- 24 • 134:15-23;
- 25 • 134:25-135:3;
- 26 • 135:14-18;
- 27 • 136:8-11;
- 28 • 136:13;



- 1 • 136:15-18;
- 2 • 136:20-137:2;
- 3 • 139:8-142:22;
- 4 • 143:13-24;
- 5 • 144:8-145:1.

6 In all other respects, the Administrative Motion is DENIED, the designating parties  
7 not having sought to have other portions sealed.

8 4. To the extent the Administrative Motion seeks leave to file under seal the  
9 deposition transcript of Andrew Oxtoby (December 20, 2023) (Monteverde. Decl.  
10 Attachment 11, Doc. No. 154-11), the administrative motion is GRANTED as to the  
11 following page and line numbers:

- 12 • 9:17-18;
- 13 • 9:21;
- 14 • 9:24;
- 15 • 92:21-25;
- 16 • 152:3-6;
- 17 • 259:9-16;
- 18 • 264:24;
- 19 • 265:5;
- 20 • 265:10;
- 21 • 265:12-13;
- 22 • 265:15-18;
- 23 • 265:22-24;
- 24 • 266:7-8;
- 25 • 266:19-23;
- 26 • 267:5-6;
- 27 • 267:9;
- 28 • 269:7-11;

1           • 270:16.

2           In all other respects, the Administrative Motion is DENIED, the designating parties  
3 not having sought to have other portions sealed.

4           5. To the extent the Administrative Motion seeks leave to file under seal the  
5 deposition transcript of Daniel Adelman (January 12, 2024) (Monteverde. Decl.  
6 Attachment 1, Doc. No. 154-1), the administrative motion is GRANTED as to the  
7 following page and line numbers:

- 8           • 9:20-22;  
9           • 9:24;  
10          • 10:4.

11          In all other respects, the Administrative Motion is DENIED, the designating parties  
12 not having sought to have other portions sealed.

13          6. To the extent the Administrative Motion seeks leave to file under seal the  
14 deposition transcript of Eric Bjerkholt (December 14, 2023) (Monteverde. Decl.  
15 Attachment 3, Doc. No. 154-3), the administrative motion is GRANTED as to the  
16 following page and line numbers:

- 17          • 17:21-22;  
18          • 18:3;  
19          • 18:7-8.

20          In all other respects, the Administrative Motion is DENIED, the designating parties  
21 not having sought to have other portions sealed.

22          7. To the extent the Administrative Motion seeks leave to file under seal the  
23 deposition transcript of Jayson Dallas (December 12, 2023) (Monteverde. Decl.  
24 Attachment 4, Doc. No. 154-4), the administrative motion is GRANTED as to the  
25 following page and line numbers:

- 26          • 19:8;  
27          • 19:11-12;  
28          • 28:23.

1 In all other respects, the Administrative Motion is DENIED, the designating parties  
2 not having sought to have other portions sealed.

3 8. To the extent the Administrative Motion seeks leave to file under seal the  
4 deposition transcript of Brian Greenblatt (January 24, 2024) (Monteverde. Decl.  
5 Attachment 7) (Doc. No. 154-7), the administrative motion is GRANTED as to the  
6 following page and line numbers:

- 7 • 10:21-23;
- 8 • 11:1-2.

9 In all other respects, the Administrative Motion is DENIED, the designating parties  
10 not having sought to have other portions sealed.

11 9. To the extent the Administrative Motion seeks leave to file under seal the  
12 deposition transcript of Mark McDade (November 28, 2023) (Monteverde. Decl.  
13 Attachment 10, Doc. No. 154-10), the administrative motion is GRANTED as to the  
14 following page and line numbers:

- 15 • 7:21;
- 16 • 7:23;
- 17 • 8:1-2;
- 18 • 8:7-8;
- 19 • 8:15-17;
- 20 • 98:7-8;
- 21 • 98:13-14;
- 22 • 106:19-20;
- 23 • 106:21-22.

24 In all other respects, the Administrative Motion is DENIED, the designating parties  
25 not having sought to have other portions sealed.

26 10. To the extent the Administrative Motion seeks leave to file under seal the  
27 deposition transcript of Patrick Enright (November 17, 2023) (Monteverde. Decl.  
28 Attachment 5, Doc. No. 154-5), the administrative motion is GRANTED as to the

1 following page and line numbers:

- 2 • 11:5-7;
- 3 • 11:10;
- 4 • 11:12-13;
- 5 • 11:22-23.

6 In all other respects, the Administrative Motion is DENIED, the designating parties  
7 not having sought to have other portions sealed.

8 11. To the extent the Administrative Motion seeks leave to file under seal the  
9 deposition transcript of Stacey Seltzer (January 19, 2024) (Monteverde. Decl. Attachment  
10 12, Doc. No. 154-12), the administrative motion is GRANTED as to the following page  
11 and line numbers:

- 12 • 6:18-20;
- 13 • 6:23-24;
- 14 • 7:4;
- 15 • 7:5-6;
- 16 • 57:8-9.

17 In all other respects, the Administrative Motion is DENIED, the designating parties  
18 not having sought to have other portions sealed.

19 12. To the extent the Administrative Motion seeks leave to file under seal the  
20 deposition transcript of Katie Falberg (January 11, 2024) (Monteverde. Decl. Attachment  
21 6, Doc. No. 148-6), the administrative motion is GRANTED as to the following page and  
22 line numbers:

- 23 • 7:11;
- 24 • 7:16-17;
- 25 • 26:14;
- 26 • 26:17-20;
- 27 • 28:9;
- 28 • 70:8-10.

1 In all other respects, the Administrative Motion is DENIED, the designating parties  
2 not having sought to have other portions sealed.

3 13. To the extent the Administrative Motion seeks leave to file under seal Exhibit 28 to  
4 the Monteverde Declaration, Bates stamped AIMMUNE-0245925-28 (Doc. No. 154-27),  
5 the Administrative Motion is GRANTED as to AIMMUNE-0245925-26.

6 In all other respects, the Administrative Motion is DENIED, the designating parties  
7 not having sought to have other portions sealed.

8 14. To the extent the Administrative Motion seeks leave to file under seal Exhibit 35 to  
9 the Monteverde Declaration, Bates stamped BOAS\_AIMMUNE00003430-3442 (Doc. No.  
10 154-29), the Administrative Motion is GRANTED as to BOAS\_AIMMUNE00003430-3436.

11 In all other respects, the Administrative Motion is DENIED, the designating parties  
12 not having sought to have other portions sealed.

13 15. To the extent the Administrative Motion seeks leave to file under seal Exhibit 43 to  
14 the Monteverde Declaration, Bates stamped AIMMUNE-0132295-99 (Doc. No. 154-32),  
15 the Administrative Motion is GRANTED.

16 16. To the extent the Administrative Motion seeks leave to file under seal Exhibit 45 to  
17 the Monteverde Declaration, Bates stamped BOAS\_AIMMUNE00008330-34 (Doc. No.  
18 154-34), the Administrative Motion is GRANTED.

19 17. To the extent the Administrative Motion seeks leave to file under seal Exhibit 64 to  
20 the Monteverde Declaration, Bates stamped AIMMUNE-0025754-59 (Doc. No. 154-42),  
21 the Administrative Motion is GRANTED.

22 18. To the extent the Administrative Motion seeks leave to file under seal Exhibit 79 to  
23 the Monteverde Declaration, Bates stamped BOAS\_AIMMUNE00000455-509 (Doc. No.  
24 154-50), the Administrative Motion is GRANTED.

25 19. To the extent the Administrative Motion seeks leave to file under seal Exhibit 81 to  
26 the Monteverde Declaration, Bates stamped NESTLE\_0004441-484 (Doc. No. 154-51),  
27 the Administrative Motion is GRANTED.

28 20. To the extent the Administrative Motion seeks leave to file under seal Exhibit 82 to

1 the Monteverde Declaration, Bates stamped BOAS\_AIMMUNE00000009-63 (Doc. No.  
2 154-52), the Administrative Motion is GRANTED.

3 21. To the extent the Administrative Motion seeks leave to file under seal Exhibit 84 to  
4 the Monteverde Declaration, Bates stamped NESTLE\_0005652-55 (Doc. No. 154-53),  
5 the Administrative Motion is GRANTED.

6 22. To the extent the Administrative Motion seeks leave to file under seal Exhibit 95 to  
7 the Monteverde Declaration, Bates stamped Aimmune-0061724-28 (Doc. No. 154-57),  
8 the Administrative Motion is GRANTED.

9 23. To the extent the Administrative Motion seeks leave to file under seal Exhibit 98 to  
10 the Monteverde Declaration, Bates stamped BOAS\_AIMMUNE00007539-40 (Doc. No.  
11 154-59), the Administrative Motion is GRANTED.

12 24. To the extent the Administrative Motion seeks leave to file under seal the  
13 deposition transcript of Michael Kingston and Exhibits 6-7, 9-10, 12-14, 16, 18, 19-22, 34,  
14 39, 44, 48, 49, 55, 57, 59-60, 63, 66-67, 70, 73-75, 77, 93-94, 96, 102-103, 134-136 to  
15 the Monteverde Declaration, the Administrative Motion is DENIED, the designating  
16 parties not having sought to have said transcript or any portions thereof sealed.

17 Plaintiffs are hereby DIRECTED to file in the public record, no later than fourteen  
18 days from the date of this order:

19 a. revised redacted versions of "Co-Lead Plaintiffs' Motion for Partial Summary  
20 Judgment and Memorandum of Supporting Points and Authorities";

21 b. revised redacted versions of:

22 i. the deposition transcripts of Gregory Behar, Martin Hendrix, Andrew  
23 Oxtoby, Daniel Adelman, Eric Bjerkholt, Jayson Dallas, Brian  
24 Greenblatt, Mark McDade, Patrick Enright, Stacey Seltzer, and Katie  
25 Falberg;

26 ii. Exhibits 28 and 35 to the Monteverde Declaration;

27 c. unredacted versions of:


28 i. the deposition transcript of Michael Kingston;

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ii. Exhibits 6-7, 9-10, 12-14, 16, 18, 19-22, 34, 39, 44, 48, 49, 55, 57, 59-60, 63, 66-67, 70, 73-75, 77, 93-94, 96, 102-103, 134-136 to the Monteverde Declaration.

**IT IS SO ORDERED.**

Dated: September 26, 2024

  
MAXINE M. CHESNEY  
United States District Judge