

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3215

(202) 326-7900

FACSIMILE:

(202) 326-7999

June 7, 2022

VIA ECF

Hon. Ronnie Abrams, United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States ex rel. Hart v. McKesson Corp.*, No. 15-Civ-0903 (RA) (JLC)

Dear Judge Abrams:

We represent Relator Adam Hart (“Relator”) in the above-captioned matter and request, in accordance with Rule 5A.iii of Your Honor’s Individual Rules & Practices in Civil Cases and Paragraph 11.3 of the Stipulation Regarding Protection of Confidential Information (“Protective Order”) entered in this case (ECF No. 78), that the Court permit portions of the Second Amended Complaint to be filed provisionally under seal with the Viewing Level of “Selected Parties.” Pursuant to Your Honor’s Individual Rules & Practices, we are submitting a copy of the Second Amended Complaint under seal, with proposed redactions highlighted.

The Second Amended Complaint’s proposed redactions concern information from documents that have been designated “CONFIDENTIAL” by McKesson. Under Paragraph 11.3 of the Protective Order, this information shall be filed “provisionally under seal” and McKesson, as the “Designating Party bears the burden of persuading the Court that” this information “should

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

Hon. Ronnie Abrams
June 7, 2022
Page 2

be permanently sealed.” Relator anticipates that McKesson will be filing a letter pursuant to Rule 5A.iii.i of Your Honor’s Individual Rules & Practices seeking to keep the redacted portions under seal. Relator reserves the right to respond to McKesson’s position if necessary.

McKesson has informed Relator that it does not object to the filing of the redacted portions provisionally under seal. Accordingly, Relator respectfully requests that the Court permit the Second Amended Complaint to be filed provisionally in redacted form.

Respectfully submitted,

/s/ Andrew C. Shen

ANDREW C. SHEN
ashen@kellogghansen.com
JAMES M. WEBSTER
jwebster@kellogghansen.com
DAVID L. SCHWARZ
dschwarz@kellogghansen.com
BRADLEY E. OPPENHEIMER
boppenheimer@kellogghansen.com
KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK, P.L.L.C.
1615 M Street N.W., Suite 400
Washington, D.C. 20036
Tel: (202) 326-7900
Fax: (202) 326-7999

STEPHEN S. HASEGAWA
shasegawa@pcsf.com
PHILLIPS & COHEN LLP
100 The Embarcadero, Suite 300
San Francisco, CA 94105
Tel: (415) 836-9000
Fax: (415) 836-9001

RISHI BHANDARI
rb@mandelbhandari.com
MANDEL BHANDARI LLP

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

Hon. Ronnie Abrams
June 7, 2022
Page 3

80 Pine Street, 33rd Floor
New York, NY 10005
Tel: (212) 269-5600
Fax: (646) 964-6667

ARI YAMPOLSKY
ayampolsky@constantinecannon.com
CONSTANTINE CANNON LLP
150 California Street, Suite 1600
San Francisco, CA 94111
Tel. (415) 639-4001

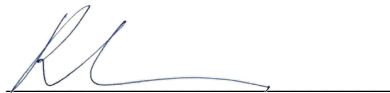
Attorneys for Qui Tam Plaintiff Adam Hart

Application granted.

No later than June 22, 2022 the parties shall submit a letter explaining why the redacted portions should remain under seal in light of the public's presumptive right of access. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006).

Hart shall also submit a redline comparing the First and Second Amended Complaints.

SO ORDERED.



Hon. Ronnie Abrams
06/09/22