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May 17, 2023

Via ECF

Hon. Colleen McMahon  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007


Re: *United States ex rel. Bassan v. Omnicare, Inc. and CVS Health Corp.*,  
No. 15 Civ. 4179 (CM) (VF)

Dear Judge McMahon:

MEMO ENDORSED

I write on behalf of Defendants Omnicare, Inc. and CVS Health Corp. under ¶ 19 of the parties' Protective Order (Dkt. No. 102) to seal the Supplemental Letter Motion and its six attached exhibits that were inadvertently filed on the public docket on May 17, 2023. Dkt. Nos. 268, 268-1, 268-2, 268-3, 268-4, 268-5, and 268-6. The letter describes exhibits and attaches exhibits that are marked subject to the Protective Order and are thus designated as "confidential." In addition, the government informed us that the document filed at Docket 268-1 was inadvertently not stamped "Subject to Protective Order" prior to production to us, and therefore we ask that that exhibit be sealed as well. After becoming aware of the inadvertent disclosures early this morning, counsel for Defendants contacted the ECF Help Desk by email to request that the above exhibits be sealed temporarily. Ex. 1. With the Court's permission, Omnicare respectfully requests leave to refile the attached versions of the above letter and exhibits under seal and with the appropriate stamping and slip sheets. Ex. 2 (May 16 Letter to Judge Figueredo); Ex. 3 (Stamped OMNICARE-USAO-00995505); Ex. 4 (OMNICARE-USAO-00009786); Ex. 5 (OMNICARE-USAO-00004839); Ex. 6 (Declaration of Cheri Rice); Ex. 7 (Chart Mapping Privilege Logs to Rice Declaration); and Ex. 8 (OMNICARE-USAO-01011912).

Sincerely,

  
James Sasso