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July 26, 2023

Via ECFHon. Valerie Figueredo
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007Re: *United States ex rel. Bassan v. Omnicare, Inc. and CVS Health Corp.*,
No. 15 Civ. 4179 (CM) (VF)

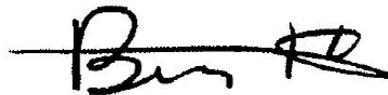
Dear Judge Figueredo:

We write to seek clarification of the status of Defendants' motion to compel documents withheld on deliberative-process grounds. (Dkt. 268, refiled under seal at Dkt. 270.) Defendants understand the motion remains pending, including because the Court has not issued any order purporting to resolve those docket entries. Defendants, however, have some confusion in light of the Court's July 18, 2023 order terminating Defendants' *supplement* to its pending motion. (Dkt. 304.)

The July 18 order explained the Court's reasoning for terminating the government's letter motion to appoint a special master, Dkt. 299, and then in the last sentence stated that "[t]he Clerk of Court is directed to terminate the motions at 298 and 299." The written order does not mention denying the underlying motion to compel, and Defendants are not aware of any memorandum from the Court detailing reasons for denying that motion. At the same time, the Pacer entry at docket 304 references "denying" docket entries 298 and 299.

In light of these conflicting entries and the fourteen-day requirement for objecting to an adverse ruling, Fed. R. Civ. P. 72(a), Defendants seek confirmation that Defendants' motion to compel documents withheld on deliberative-process (Dkts. 268, 270) remains pending.

Sincerely,



Benjamin Hazelwood

SO ORDERED



VALERIE FIGUEREDO

United States Magistrate Judge

Dated: 7-28-2023

Defendants' motion to compel documents withheld on deliberative-process grounds (ECF Nos. 268, 270) remains pending. The Clerk of Court is directed to terminate the motion at ECF No. 308.