

**U.S. Department of Justice**

*United States Attorney
Southern District of New York*

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December 6, 2023

By ECF

The Hon. Valerie Figueredo
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States ex rel. Bassan et al. v. Omnicare, Inc. & CVS Health Corp.*,
15 Civ. 4179 (CM) (VF)

Dear Judge Figueredo:

We write respectfully on behalf of the United States of America (the “Government”) to request the Court’s leave to file several exhibits to the Government’s letter brief filed today under a temporary 14-day seal, pursuant to Rule I.g of Your Honor’s Individual Practices and the Protective Order entered by the Court on November 29, 2021. *See* Dkt. No. 102 (the “Protective Order”).

In producing materials in discovery, Defendants designated certain documents as subject to the Protective Order. The Protective Order provides a process for the filing of such materials. Protective Order ¶ 19. Pursuant to that process, the Government respectfully requests that the Court grant leave to file Exhibits D, E, F, G, H, J, K, N,¹ O, P, Q and R to the Government’s letter under seal for a period of 14 days. *See id.* Per the Protective Order, Defendants, as the Producing Parties, may file a motion to seal the relevant information. *See id.*

Application Granted

A handwritten signature in black ink, appearing to read "Valerie Figueredo", written over a horizontal line.

Valerie Figueredo, U.S.M.J.

DATED: December 8, 2023

The Clerk of Court is respectfully directed to terminate
the motions at ECF Nos. 408 and 409.

¹ Exhibit N is an excerpt of the transcript of a deposition taken of Omnicare employee Mary Potts-Hozlock pursuant to Civil Investigative Demand prior to the Government’s intervention in this case (and therefore the entry of the Protective Order). The Government is filing this exhibit under a temporary 14-day seal to provide Defendants with the opportunity to make any appropriate confidentiality designations and request to seal accordingly.

We thank the Court for its consideration of this submission.

Respectfully submitted,

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cc: All counsel by ECF