

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, *et al.*, *ex*
rel. URI BASSAN,

Plaintiffs,

v.

OMNICARE, INC.,

Defendant.

UNITED STATES OF AMERICA,

Plaintiff,

v.

OMNICARE, INC. and CVS HEALTH CORP.,

Defendants.

6/24/2024
All pending motions &
sed paper filed in
support of or in opposition
to objections are
DENIED.

Case No. 15-CV-4179-CM-VF

~~request for status~~
Stanley J. Gulev
7/1/24
sed
#4169 all

MEMORANDUM IN SUPPORT OF DEFENDANTS'
MOTION TO SEAL REPLY IN SUPPORT OF OBJECTIONS

Enu Mainigi (*pro hac vice*)
Holly Conley (*pro hac vice*)
William Ashworth (*pro hac vice*)
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Attorneys for Omnicare, Inc. and CVS Health
Corporation

Clerk &
remove
motions at
387,
Docket # 417, 434 &
444 from list
of per motions

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[Signature]

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DEFENDANTS REQUEST SEALING NOTWITHSTANDING RESERVATIONS 1

¹ Consistent with the Court's Individual Practices and Procedures Rule V(D), Defendants are including a Table of Contents and a Table of Authorities.

TABLE OF AUTHORITIES

CASES

Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110 (2d Cir. 2006).....1

DEFENDANTS REQUEST SEALING NOTWITHSTANDING RESERVATIONS

Omnicare, Inc. and CVS Health Corporation’s (together, “Omnicare”) reply in support of their objections to Judge Figueredo’s October 25, 2023 order (ECF 370) cites to and quotes from materials the U.S. Attorney’s Office has designated confidential under the protective order, and which Judge Figueredo sealed below. Omnicare disagrees these materials should be sealed—including because they demonstrate the Office’s public criticisms of Omnicare’s practices are meritless. *See generally Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–120 (2d Cir. 2006) (presumption for public access to judicial documents weighed against “privacy interests of those resisting disclosure” (internal quotation marks omitted)). But because the protective order contemplates that material designated confidential be maintained under seal, Omnicare seeks sealing here as to the portions of its reply quoting from (and paraphrasing) confidential material. It has filed a redacted version of its reply on the public docket, and an unredacted version conditionally under seal.

Dated: December 11, 2023

Respectfully submitted,

WILLIAMS & CONNOLLY LLP

/s/ Enu Mainigi

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