

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of:

IMPAX LABORATORIES, INC.,  
  
a corporation.

Docket No. 9373

**NON-PARTY ENDO PHARMACEUTICALS INC.'S MOTION TO PRODUCE  
CERTAIN *IN CAMERA* MATERIALS TO MDL PLAINTIFFS**

Non-party Endo Pharmaceuticals Inc. (“Endo”) respectfully moves for leave to produce a copy of the *in camera* testimony Endo witness, Dr. Robert Cobuzzi, provided at trial in the above captioned action to the MDL Plaintiffs<sup>1</sup> in the litigation pending in the Northern District of Illinois styled as *In re Opana ER Antitrust Litigation*, 14-cv-10150. Dr. Cobuzzi’s *in camera* testimony<sup>2</sup> has been requested in discovery in that litigation, and Endo has agreed to produce a copy subject to the confidentiality protections of the Protective Order in that case.<sup>3</sup> Because the testimony is subject to a ruling of *in camera* treatment by this Court, Endo seeks leave of this Court to produce a copy of the transcript to the MDL Plaintiffs. Endo respectfully requests that the Court maintain *in camera* treatment for all other purposes.

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<sup>1</sup> MDL Plaintiffs are Direct Purchaser Plaintiffs Value Drug Company; Meijer, Inc. and Meijer Distribution Inc.; End-Payor Plaintiffs Plumbers and Pipefitters Local 178 Health & Welfare Trust Fund, Louisiana Health Service & Indemnity Company, d/b/a Blue Cross and Blue Shield of Louisiana, Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund, Wisconsin Masons’ Health Care Fund, Pennsylvania Employees Benefit Trust Fund, International Union of Operating Engineers, Local 138 Welfare Fund and Mary Davenport; and Retailer Plaintiffs Rite Aid Corporation, Rite Aid Hdqtrs. Corp., CVS Pharmacy, Inc., Walgreen Co., The Kroger Co., Safeway, Inc., HEB Grocery Company, L.P. and Albertson’s LLC.

<sup>2</sup> See Transcript of Trial Proceedings at 2526:14-2538:18; 2608:12-2623:19.

<sup>3</sup> The Protective Order is entered at Docket Entry No. 73 in that litigation.

Dated: September 12, 2018

Respectfully Submitted,

*/s/ Christine C. Levin* \_\_\_\_\_

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*Counsel for Non-Party Endo  
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Notice of Electronic Service

**I hereby certify that on September 12, 2018, I filed an electronic copy of the foregoing Non-Party Endo Pharmaceuticals Inc.'s Motion to Produce In Camera Materials to MDL Plaintiffs, with:**

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave., NW  
Suite 110  
Washington, DC, 20580

Donald Clark  
600 Pennsylvania Ave., NW  
Suite 172  
Washington, DC, 20580

**I hereby certify that on September 12, 2018, I served via E-Service an electronic copy of the foregoing Non-Party Endo Pharmaceuticals Inc.'s Motion to Produce In Camera Materials to MDL Plaintiffs, upon:**

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**I hereby certify that on September 12, 2018, I served via other means, as provided in 4.4(b) of the foregoing Non-Party Endo Pharmaceuticals Inc.'s Motion to Produce In Camera Materials to MDL Plaintiffs, upon:**

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Respondent

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