

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALLERGAN USA, INC., et al.,

Plaintiffs,

v.

AUROBINDO PHARMA LTD., et al.,

Defendants.

Civil Action No. 19-1727-RGA

**ORDER**

Allergan complains that Aurobindo’s redactions of the thousands of documents it has produced as discovery in this case exceed the limits of the Protective Order, which permits the parties to redact only “[c]onfidential information that is irrelevant to this Proceeding or not otherwise discoverable, such as information relating to a product not at issue in the Proceeding...” (D.I. 293; *see* D.I. 100 at 6). Allergan’s complaint largely boils down to a hunch that somewhere in the redacted material is deliberately concealed responsive material. (D.I. 293 at 3 (“Aurobindo’s voluntary production of the fully-redacted documents inherently admits that they contain responsive material ... Something underneath these full-document redactions must be responsive, or Aurobindo would not have produced the documents.”)). As a remedy, Allergan asks that I require Aurobindo to produce “all” (presumably, all 24,000+) documents without redactions and “make Aurobindo witnesses available for additional depositions thereafter.” (*Id.* at 1).

Aurobindo’s counsel, George J. Barry III, has submitted a sworn declaration guaranteeing that, in response to Aurobindo’s concerns, he personally reviewed all the redacted documents produced for this matter, discovered “approximately 39 documents” among several thousands that

contained erroneous redactions, and produced unredacted versions of those documents. (D.I. 299-1, Ex. A at 2). I have also reviewed in camera an unredacted version of the three documents Plaintiffs cite as illustrative of the type of “mass redacted” documents they received from Aurobindo. (D.I. 319; D.I. 293 at 1-2; D.I. 293-1, Ex. A). After reviewing the unredacted version of Plaintiffs’ Exhibit A, I have concluded that Aurobindo’s justifications for its redactions to Exhibit A – that the first document pertained to a different product and that the second document and the redacted portions of the third document are covered by the work product doctrine and attorney-client privilege – are sound. Allergan has given me no reason to doubt that a review of the remaining redacted documents would produce similar results and no reason to question the trustworthiness of Mr. Barry’s sworn declaration.

For these reasons, Allergan’s request (D.I. 293) is DENIED.

The hearing scheduled for January 24, 2022, is CANCELLED.

Entered this 21<sup>st</sup> day of January, 2022.

/s/ Richard G. Andrews  
United States District Judge