

ORAL ORDER re D.I. 62 ; D.I. 63 : Having reviewed the parties's cross-motions for a protective order (D.I. 62; D.I. 63), IT IS ORDERED that Plaintiffs's proposed protective order is GRANTED, and Defendants's proposed protective order is DENIED. On or before September 30, 2022, Plaintiffs shall file a clean copy of the proposed protective order which includes Plaintiffs's proposed language at Paragraph 22 for the Court's signature. (D.I. 63, Ex. A) Plaintiffs's proposal to require the return or destruction of protected information following final termination of the litigation, including appeals, unless otherwise agreed in writing, is more consistent with other protective orders entered in similar cases by various Judges in this District. See *Novartis Pharms. Corp. v. Aurobindo Pharma Ltd. et al.*, C.A. No. 20-1426-MN (consolidated), D.I. 42 at 23 (requiring return or destruction of confidential information within 90 days following final termination of this litigation, including all appeals therefrom, unless otherwise agreed to in writing by the designating party); *Teva Pharms., et al. v. Dr. Reddys Labs., et al.*, C.A. No. 21-695-CFC, D.I. 36 at 13 (requiring return or destruction of confidential information within 60 days of termination, settlement or final judgment of this litigation including exhaustion of all appeals); *Novartis Pharm. Corp. v. Lupin Inc, et al.*, C.A. No. 21- 1105-LPS, D.I. 25 at 53 (requiring return or destruction of protected information within 90 days after the termination of all of these actions (including any appeals)); *Allergan USA, Inc., et al v. Aurobindo Pharma Ltd. et al.*, C.A. No. 19-1727-RGA, D.I. 100 at 43 (requiring destruction or return of confidential information within 90 days of the final non-appealable termination of this Proceeding). Defendants's proposal to require piecemeal return or destruction of confidential information as each Defendant exits the case is not supported by the requisite showing of good cause because Defendants have failed to show that disclosure will work a clearly defined and serious injury to the party seeking closure. See *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 786 (3d Cir. 1994). Defendants identify only general allegations of speculative harm without explaining why the balance of terms in the protective order are insufficient to protect the confidential information. Moreover, Plaintiffs's proposal contains a carve-out which allows Defendants to seek earlier return or destruction of sensitive information. IT IS FURTHER ORDERED that the discovery dispute teleconference scheduled for October 4, 2022 at 3:00 p.m. is CANCELLED. Ordered by Judge Sherry R. Fallon on 9/28/2022. (lih) (Entered: 09/28/2022)

As of September 29, 2022, PACER did not contain a publicly available document associated with this docket entry. The text of the docket entry is shown above.

Acerta Pharma BV et al v. Alembic Pharmaceuticals Limited et al
1-22-cv-00154 (DDE), 9/28/2022, docket entry