

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE SUBOXONE (BUPRENORPHINE
HYDROCHLORIDE AND NALOXONE)
ANTITRUST LITIGATION

MDL No. 2445

Master File No. 2:13-MD-2445-MSG

THIS DOCUMENT RELATES TO:

All Actions

NON-PARTY DR. JANE RUBY'S UNOPPOSED MOTION TO FILE UNDER SEAL

Pursuant to Local Civil Rule 5.1.5, non-party Dr. Jane Ruby moves this Court to seal her Opposition to Plaintiffs' Motion to Compel her Deposition Testimony (ECF No. 879). Neither Plaintiffs nor Defendants oppose Dr. Ruby filing her Opposition under seal.

Under Fed. R. Civ. P. 26(c) and the factors outlined in *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 787 (3d Cir. 1994), good cause exists for sealing Dr. Ruby's Opposition. In opposing the Motion to Compel, Dr. Ruby must put forth the basis for her invocation of her Fifth Amendment right and why she "has reasonable cause to apprehend danger" in answering Plaintiffs' deposition questions. *Hoffman v. United States*, 341 U.S. 479, 486 (1951). In setting forth that reasonable cause, or threat of prosecution, Dr. Ruby will be forced to acknowledge any relation to the anticompetitive scheme alleged by Plaintiffs and the related criminal prosecutions. As a non-party, embarrassment stemming from such an acknowledgement is "particularly serious," and can adversely impact Dr. Ruby's reputation. *Pansy*, 23 F.3d at 787. Caselaw favors protecting non-parties from harassment. *See United States v. Criden*, 648 F.2d 814, 829 (3d Cir. 1981) ("[T]he district court has some area of discretion in which to balance the strong public interest favoring access against legitimate privacy concerns of third parties."); *Black Bear*

Energy Servs., Inc. v. Youngstown Pipe & Steel, LLC, No. CV 15-50, 2019 WL 1296654, at *5 (W.D. Pa. Mar. 21, 2019) (concluding that “good cause” exists to seal portions of a summary judgment exhibit where the exhibit “could subject Loosli, a third party to [the] litigation, to serious and particularized embarrassment and harm to his personal and business reputation because of the detailed allegations contained in the report about Loosli’s character and business practices”); *see also* ECF No. 380 (granting motion to seal in connection with motion papers making similar Fifth Amendment arguments in this case). Accordingly, as a non-party asserting her Fifth Amendment right, there is good cause to seal Dr. Ruby’s Opposition.

WHEREFORE, Dr. Ruby prays that the Court grant her Unopposed Motion to File Under Seal.

A proposed order is attached.

Dated: May 30, 2023

Respectfully submitted,

COZEN O’CONNOR

/s/ Calli Padilla

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023, I caused non-party Dr. Jane Ruby's Unopposed Motion to File Under Seal to be served on counsel of record by filing it with the Court's ECF system.

/s/ Calli Padilla

Calli Padilla

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[PROPOSED] ORDER

Upon consideration of non-party Dr. Jane Ruby's Unopposed Motion to File Under Seal, it is hereby **ORDERED** that the Unopposed Motion is **GRANTED**.

The papers previously filed provisionally under seal in connection with Dr. Jane Ruby's Opposition to Plaintiffs' Motion to Compel her Deposition Testimony shall remain sealed from public access.

IT IS SO ORDERED.

Dated: _____

The Hon. Mitchell S. Goldberg
United States District Judge