

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| IN RE: GLUCAGON-LIKE | : | |
| PEPTIDE-1 RECEPTOR AGONISTS | : | CIVIL ACTION |
| (GLP-1 RAS) NON-ARTERITIC | : | |
| ANTERIOR ISCHEMIC OPTIC | : | |
| NEUROPATHY PRODUCTS | : | MDL No. 3163 |
| LIABILITY LITIGATION | : | 25-md-3163 |
| _____ | : | 01-md-3163 |
| | : | |
| THIS DOCUMENT RELATES TO: | : | HON. KAREN SPENCER MARSTON |
| | : | |
| <i>ALL ACTIONS/ALL CASES</i> | : | |
| _____ | : | |

CASE MANAGEMENT ORDER NO. 11

QUALIFIED PROTECTIVE ORDER & SEALING PROCESS ORDER

AND NOW, this 4th day of May, 2026, having considered the parties' Joint Motion for Entry of Proposed Protective Order and Proposed Order Regarding Filing Documents Under Seal (Doc. No. 84), the Court finds as follows:

1. A "party seeking a protective order over discovery material must demonstrate that good cause exists for the order." *In re Avandia Mktg. Sales Practices & Prods. Liab. Litig.*, 924 F.3d 662, 671 (3d Cir. 2019) (quotation marks omitted); *see also Sprinturf, Inc. v. Sw. Recreational Indus., Inc.*, 216 F.R.D. 320, 323 (E.D. Pa. 2003) ("Protective orders stipulated between the parties are not guaranteed judicial approval" and "must still meet the requirements of Rule 26(c), which requires demonstrating the existence of confidential information and good cause as to why such information should not be disclosed.").

2. "Good cause means that disclosure will work a clearly defined and serious injury to the party seeking closure," and the injury "must be shown with specificity." *In re Avandia*, 924 F.3d at 671. In determining whether good cause exists, the court considers: (1) whether the disclosure will violate any private interests; (2) whether disclosure of the information will cause

a party embarrassment; (3) whether the information is being sought for a legitimate purpose or for an improper purpose; (4) whether the sharing of information among the litigants will promote fairness and efficiency; (5) whether confidentiality is being sought over information important to public health and safety; (6) whether a party benefitting from the order of confidentiality is a public entity or official; and (7) whether the case involves issues important to the public. *Id.* at 671–72.

3. In their joint motion, the parties seek to protect certain discovery that includes: (1) personal information, including personal health information, and (2) private, proprietary commercial information.¹ (*Id.* at 1.) The Court agrees that public disclosure of this information would harm the privacy interests of the individuals and businesses discussed in the documents. In particular, disclosure of private health information could cause embarrassment to Plaintiffs and non-parties, and disclosure of proprietary business information could cause commercial harm to Defendants. The discovery is relevant to the cases involved in this MDL, and its production will promote fairness and efficiency during consolidated discovery. And to date, no party is a public entity or official. Last, the Court finds that although the cases involved in this MDL, which claim personal injuries arising from a group of widely used medications, are likely important to the public and involve issues of public health and safety, this factor weighs only

¹ Specifically, the parties have indicated that during discovery, discovery is likely to encompass: “(i) non-public financial information; (ii) proprietary development and business plans; (iii) personnel records; (iv) competitive information regarding contractual relationships, (v) protected health information, (vi) information subject to a preexisting confidentiality obligation; (vii) information requested by another party to be kept confidential; and (viii) non-public information submitted to regulatory agencies that otherwise could be subject to a designation as Confidential under this Order.” (Doc. No. 84 at 5; Doc. 84-1 at 8–9.) In addition, it may require discovery of: (i) “highly sensitive information, the disclosure of which to a competitor could result in significant competitive or commercial disadvantage to the designating person,” and (ii) information of such a “highly commercially or competitively sensitive nature that in-house counsel for a Receiving Party should not be able to access the materials.” (Doc. No. 84 at 6 (quotation marks omitted); Doc. No. 84-1 at 10–11.)

marginally in favor of public disclosure of the private personal, health, and business information that will be exchanged during discovery.

4. Having weighed the public and private interest factors, the Court finds that good cause exists for entering the parties' stipulated confidentiality order. *See Landau v. Zong*, Civil Action No. 3:15-CV-1327, 2018 WL 1251844, at *1–2 (M.D. Pa. Mar. 12, 2018) (entering qualified protective order to prohibit the parties from disclosing personal health information for any purpose other than the litigation and to require the return or destruction of any such information at the end of the litigation); *Grant Heilman Photography, Inc. v. Pearson*, Civil Action No. 11-cv-4649, 2012 WL 1521954, at *6 (E.D. Pa. Apr. 30, 2012) (finding that the defendant had “a strong interest in keeping its non-public financial information, sales and marketing projections, and forecasts confidential” and that “disclosure of such information would significantly impair [the defendant’s] competitiveness in the market”); *Howard v. Rustin*, Civil Action No. 06-200, 2007 WL 2811828, at *23 (W.D. Pa. Sept. 24, 2007) (entering a qualified protective order to prohibit the parties from disclosing the protected health information for any purpose other than the litigation and to require the return or destruction of any such information at the end of the litigation); *Castle v. Crouse*, No. 03-5252, 2004 WL 1151710 at *3 (E.D. Pa. May 24, 2004) (“As to claimants’ personal information, such as name, address, . . . and other personal identifying information, no one disputes the strong privacy interest at stake. We agree with both parties that good cause exists at this time to enter a protective order as to this information.”); *Sprinturf, Inc. v. Sw. Recreational Indus., Inc.*, 216 F.R.D. 320, 324 (E.D. Pa. 2003) (concluding that the defendants demonstrated the requisite “good cause” to protect “confidential and sensitive” business information, including the defendants’ proprietary

information regarding the development of a product line, and explaining that the defendants showed that the release of such information “could result in competitive disadvantage”)

For those reasons, it is **ORDERED** that the motion (Doc. No. 84) is **GRANTED**, and the parties’ proposed Qualified Protective Order (Doc. No. 84-1), which is attached to this Order as Exhibit 1, is **APPROVED**.

IT IS FURTHER ORDERED that the parties proposed Sealing Process Order (Doc. No. 84-2), which is attached this Order as Exhibit 2, is also **APPROVED** and shall govern the sealing of documents in this MDL.

IT IS SO ORDERED.

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.