ORAL ORDER: Having reviewed the parties' submissions relating to disputes over the otherwise agreed-upon protective order ("PO"), IT IS HEREBY ORDERED that: (1) Defendants' proposal with respect to paragraph 13, which would preclude Plaintiffs (and presumably the Court, but not Defendants) from sharing any Defendant's confidential information ("CI") with anyone (including outside counsel and experts who are subject to the PO) associated with any other Defendant without the particular Defendant's prior consent, is REJECTED, as such an approach risks imposing an undue burden on the Court (independent of the burden it imposes on Plaintiffs) -- this decision is without prejudice to Defendants having an opportunity to propose a more targeted provision to address their concerns; (2) Lupin's request (paragraph 5(e)) to disclose CI to Ms. Naidu, a non-attorney whose activities have been recognized by courts to at least relate to competitive decisionmaking, is REJECTED; Lupin has an in-house attorney, to whom Plaintiffs do not object, and Lupin's staffing preferences do not outweigh the concerns raised by Plaintiffs about the sharing of their CI nor is it even clear that Ms. Naidu will be unable to manage the litigation without access to CI; and (3) Defendants' proposal (paragraphs 30-33) to permit clawback of inadvertently-produced irrelevant, non-privileged information is REJECTED, as Defendants' concerns are adequately protected by other provisions (e.g., regarding mistaken confidentiality designations) and the breadth of Defendants' proposal threatens to unreasonably burden the Court (in connection with, e.g., disputes regarding relevance). IT IS FURTHER ORDERED that the teleconference scheduled for tomorrow is CANCELLED. Ordered by Judge Leonard P. Stark on 9/13/2018. (etg) (Entered: 09/13/2018)

H. Lundbeck A/S et al v. Apotex Inc. et al
1-18-cv-00088 (DED), 9/13/2018, docket entry 106