

ANNE E. LOPEZ 7609
Attorney General of Hawai'i

ERIN N. LAU 9886
CIARA W.K. KAHAHANE 11132
Deputy Attorneys General
Department of the Attorney General
State of Hawai'i
425 Queen Street
Honolulu, Hawai'i 96813
Telephone: (808) 586-1227
Email: erin.n.lau@hawaii.gov
ciara.wk.kahahane@hawaii.gov

CRONIN, FRIED, SEKIYA,
KEKINA & FAIRBANKS
L. RICHARD FRIED, JR. 0764
PATRICK F. McTERNAN 4269
600 Davies Pacific Center
841 Bishop Street
Honolulu, Hawai'i 96813
Telephone: (808) 524-1433
Email: rfried@croninfried.com
pmcternan@croninfried.com

MOTLEY RICE LLC
LINDA SINGER (*Pro Hac Vice* to be submitted)
ELIZABETH PAIGE BOGGS (*Pro Hac Vice* to be submitted)
Motley Rice LLC
401 9th Street, NW, Suite 630
Washington, DC 20004
Telephone: (202) 386-9626
Email: lsinger@motleyrice.com
pboggs@motleyrice.com

JENNA N. FORSTER (*Pro Hac Vice* to be submitted)
Motley Rice LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
Telephone: (202) 748-0624
Email: jforster@motleyrice.com

Attorneys for Plaintiff
STATE OF HAWAII

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**IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI‘I**

STATE OF HAWAI‘I, by its Department
of the Attorney General,

Plaintiff,

v.

CAREMARKPCS HEALTH, L.L.C.;
EXPRESS SCRIPTS, INC.; and
OPTUMRX, INC.,

Defendants.

Case No. 1CCV-23-0001281
(Other Civil Action)

PLAINTIFF STATE OF HAWAI‘I’S
MOTION FOR LEAVE TO FILE
UNREDACTED COMPLAINT UNDER
SEAL; CERTIFICATE OF SERVICE;
PROPOSED ORDER

**PLAINTIFF STATE OF HAWAII’S MOTION FOR LEAVE TO FILE UNREDACTED
COMPLAINT UNDER SEAL**

COMES NOW, Plaintiff State of Hawai‘i respectfully moves for leave to file its unredacted Complaint under seal. In support of its motion, the State states as follows:

1. On October 4, 2023, the State filed its Complaint against CaremarkPCS Health, L.L.C., Express Scripts, Inc., and OptumRx, Inc. (together, “Defendants”), alleging four causes of action under Hawai‘i law.
2. Prior to filing this action, and pursuant to H.R.S. § 480-18, the State issued subpoenas to each of the Defendants on October 15, 2021, demanding that Defendants produce certain documents.
3. Information gathered in pre-litigation investigative subpoenas authorized by H.R.S. 480-18 cannot be disclosed without the consent of the producing party. *See* H.R.S. § 480-18(j).
4. Consistent with the statute, at Defendants’ request, the State entered into a confidentiality agreement with OptumRx, Inc. on May 18, 2022, CaremarkPCS Health, L.L.C. on June 8, 2022, and Express Scripts, Inc. on December 2, 2022. Each of the confidentiality

agreements with Defendants protects documents that Defendants designated “Confidential” (“Confidential Documents”), including information whose disclosure would constitute an unwarranted invasion of personal privacy, trade secret, or commercial or financial information.

5. Pursuant to the parties’ confidentiality agreements, the State redacted information derived from Defendants’ Confidential Documents in paragraphs 18, 19, 76–80, 85, 90, 93, 99, 101, 111–112, 115–120, 123, 129, 131, and 133 of the Complaint and now seeks to file an unredacted version of the Complaint under seal.

WHEREFORE, the State respectfully requests that this Court grant it leave to file an unredacted version of its Complaint under seal.

Dated: October 4, 2023

Respectfully submitted,

ANNE E. LOPEZ
Attorney General of Hawai‘i

/s/ Ciara W.K. Kahahane
ERIN N. LAU
CIARA W.K. KAHAHANE
Deputy Attorneys General

/s/ L. Richard Fried, Jr.
L. RICHARD FRIED, JR.
PATRICK F. McTERNAN
CRONIN, FRIED, SEKIYA,
KEKINA & FAIRBANKS

Attorneys for Plaintiff
STATE OF HAWAI‘I

CERTIFICATE OF SERVICE

It is hereby certified that on this 4th day of October 2023, a true and correct copy of *Plaintiff State of Hawaii's Motion for Leave to File Unredacted Complaint Under Seal* was served upon the following via email:

Daniel M. Dockery
Williams & Connolly LLP
680 Maine Avenue SW
Washington, DC 20024
ddockery@wc.com
Counsel for CaremarkPCS Health, L.L.C.

Jason R. Scherr
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington, DC 20004
jr.scherr@morganlewis.com
Counsel for Express Scripts, Inc.

John Kokkinen
Senior Associate General Counsel, OptumRx, Inc.
john.kokkinen@optum.com
Counsel for OptumRx, Inc.

Allison J. Caplis
Hogan Lovells LLP
100 International Drive
Suite 2000
Baltimore, MD 21202
allison.caplis@hoganlovells.com
Counsel for OptumRx, Inc.

/s/ L. Richard Fried, Jr.

L. RICHARD FRIED, JR.

**IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI‘I**

STATE OF HAWAI‘I, by its Department
of the Attorney General,

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v.

CAREMARKPCS HEALTH, L.L.C.;
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Defendants.

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(Other Civil Action)

PROPOSED ORDER

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This matter having come before the Court on Plaintiff State of Hawaii’s Motion for Leave to File Unredacted Complaint Under Seal, and the Court being sufficiently advised of its basis, it is hereby

ORDERED that Plaintiff State of Hawaii’s Motion for Leave to File Unredacted Complaint Under Seal is hereby GRANTED. The State may file its unredacted Complaint under seal.

DATED: _____, 2023

ATTEST:
Clerk of the Court

Judge