

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARY K. JONES, Individually and on Behalf	:	Civil Action No. 1:10-cv-03864-AKH
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff	:	
vs.	:	NOTICE OF PLAINTIFFS' MOTION TO
	:	FILE UNDER SEAL INITIALLY
PFIZER INC., et al.,	:	
	:	
Defendants.	:	
_____	X	

PLEASE TAKE NOTICE that, in accordance with Paragraph 7 of the Stipulated Protective Order (the “Protective Order”) in this case, Dkt. No. 92, plaintiffs in the above-captioned matter, by their counsel, shall move, before the Honorable Alvin K. Hellerstein, U.S. District Judge, United States District Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time as may be designated by the Court, for an Order (attached hereto as Exhibit 1) permitting the initial filing of the parties’ November 8, 2013 Joint Letter and Exhibit C, thereto, under seal. As set forth in the Joint Letter itself, plaintiffs object to defendants’ designation of the Joint Letter and this exhibit as “Confidential” pursuant to the terms of the parties’ Protective Order. Under the Protective Order in this case, defendants (the “designating party”) “have ten days to show why sealing is essential to preserve higher values and is narrowly tailored to serve that interest.” *See* Dkt. No. 92, ¶7. Defendants cannot meet this burden and upon the Court’s confirmation of their failure, plaintiffs would respectfully request that the Court unseal these documents.

DATED: November 8, 2013

Respectfully submitted,

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& DOWD LLP  
HENRY ROSEN  
TRIG R. SMITH  
JASON A. FORGE  
RYAN A. LLORENS  
IVY T. NGO

s/ JASON A. FORGE

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Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2013, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 8, 2013.

s/ JASON A. FORGE

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# EXHIBIT 1



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARY K. JONES, Individually and on Behalf	:	Civil Action No. 1:10-cv-03864-AKH
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff	:	
	:	[PROPOSED] ORDER GRANTING
vs.	:	PLAINTIFFS' MOTION TO FILE UNDER
	:	SEAL INITIALLY
PFIZER INC., et al.,	:	
	:	
Defendants.	:	
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Having considered Plaintiffs' Motion to File Under Seal Initially, and good cause appearing therefore, the Court hereby GRANTS the motion.

The parties' November 8, 2013 Joint Letter and Exhibit C thereto, SHALL BE MAINTAINED UNDER SEAL, pending further order of this Court.

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE ALVIN K. HELLERSTEIN  
UNITED STATES DISTRICT JUDGE