

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

URIEL PHARMACY HEALTH AND WELFARE PLAN; URIEL PHARMACY, INC.; HOMETOWN PHARMACY; AND HOMETOWN PHARMACY HEALTH and WELFARE BENEFITS PLAN, on their own behalf and on behalf of all others similarly situated,

Plaintiffs,

v.

ADVOCATE AURORA HEALTH, INC. and AURORA HEALTH CARE, INC.,

Defendants.

Case No. 2:22-cv-610

**PLAINTIFFS’ OBJECTIONS AND MOTION
TO FILE UNDER RESTRICTED ACCESS**

Plaintiffs Uriel Pharmacy Health and Welfare Plan, Uriel Pharmacy, Inc., Hometown Pharmacy, and Hometown Pharmacy Health and Welfare Benefits Plan (“Plaintiffs”), respectfully move the Court for leave to file certain documents under restricted access. In support of this motion (“Motion”), Plaintiffs state as follows:

1. This Motion seeks to preliminarily restrict confidential documents that *other* parties contend contain reference to, or discussion of, confidential business information about the parties, until the Court rules on any motion filed by the producing parties or the 21-day period for filing such a motion has expired. The Protective Order governing the confidentiality designations of documents produced in this lawsuit stipulates that “[f]ilings with the Court referencing or attaching

any information, document, or other material” with confidentiality designations “shall comply with General L.R. 79.” ECF 66 at ¶ 18.

2. The documents subject to this Motion are being filed restricted pursuant to a Court-approved protective order, ECF 66. Plaintiffs’ position on the sealing (support, objection, or no position) to the continued sealing of the documents or materials is explained in Charts A and B below.

3. Where Plaintiffs object to the continued sealing of a document, such objection reflects Plaintiffs’ position that the designating party likely cannot demonstrate good cause for withholding the document from the public record. Good cause exists where a document contains a trade secret, is covered by a recognized privilege, or contains information required by statute to be maintained in confidence. General L.R. 79(d)(3); *Baxter Int’l, Inc. v. Abbott Lab’ys.*, 297 F.3d 544, 546 (7th Cir. 2002); *Love v. Med. Coll. of Wis.*, No. 15-C-0650, 2020 WL 13199737, at *1 (E.D. Wis. June 29, 2020). A confidentiality designation under a protective order is insufficient on its own to establish good cause. *Love*, 2020 WL 13199737, at *1.

4. This Motion also seeks leave to file as restricted Plaintiffs’ Memorandum of Law in Support of Plaintiffs’ Motion to Exclude Opinions Offered by Mr. Jonathan Orszag (“Orszag Daubert Brief”), as it quotes from and relies upon documents that producing parties contend to be protected from disclosure. Plaintiffs are filing two versions of the Orszag Daubert Brief: a public redacted version and a restricted unredacted version.

5. This Motion pertains to two categories of documents: documents produced by Defendants Advocate Aurora Health, Inc. and Aurora Health Care Inc. (“AAH”) and documents produced by various third parties (“Third Parties”).

DOCUMENTS PRODUCED BY AAH

6. Chart A below identifies the AAH documents that Plaintiffs are preliminarily filing under seal, along with a description of the general nature of the information withheld from the public record, pursuant to Local Rule 79(d)(2).

7. Chart A also identifies Plaintiffs position as to the continued sealing of the document.

| CHART A | | |
|--|---|-----------------------------|
| AAH Documents Designated Confidential | | |
| Ex. to Daubert.¹ | General Nature | Plaintiffs' Position |
| 1 | Expert Report of Jonathan Orszag dated January 20, 2026 | Object |
| 2 | Expert Report of David Dranove, Ph.D. dated November 21, 2025 | Object |
| 3 | Expert Report of Patrick S. Romano, M.D., M.P.H. dated November 21, 2025 | Object |
| 4 | Expert Report of Jeffrey J. Leitzinger, Ph.D. dated November 21, 2025 | Object |
| 5 | Expert Rebuttal Report of Jeffrey J. Leitzinger, Ph.D. dated March 23, 2026 | Object |
| 6 | Stipulation of Designated 30(b)(6) Testimony dated October 31, 2025 | Object |
| 8 | Transcript of Jonathan Orszag's deposition on March 5, 2026 | Object |
| 9 | Annotations regarding the Mercer Study (AAHEDWI01501491-502) | Object |
| 10 | Metro Milwaukee Health Care: Studies on Costs How We Can Turn the Tide dated July 14, 2003 (AAHEDWI01587785-809) | Object |
| 11 | Redefining Value: The 4Square & its Impact on Advocate Aurora North and the Business Community (AAHEDWI00311317-23) | Object |
| 16 | Expert Reply Report of David Dranove, Ph.D. dated March 23, 2026 | Object |

¹ "Ex. to Daubert." refers to the Exhibit number given to the document in the Declaration of Yinka Onayemi, filed in support of Plaintiffs' Motion to Exclude Opinions Offered by Mr. Jonathan Orszag.

| CHART A | | |
|--|---|-----------------------------|
| AAH Documents Designated Confidential | | |
| Ex. to Daubert.¹ | General Nature | Plaintiffs' Position |
| 17 | Messages between Jennifer Atkins and Daniel Stahlkopf dated March 10, 2022 (AAHEDWI02143440-43) | Object |
| 19 | Transcript of Titus Muzi's deposition on June 2, 2025 | Object |
| 20 | Email from Jennifer Atkins to Larry Lenz dated December 13, 2022 (AAHEDWI01188952) | Object |

8. Plaintiffs made a good faith attempt to avoid this motion or to limit the scope of the documents or materials subject to sealing under the motion. Specifically, beginning on May 19, 2026, Plaintiffs reached out to AAH to advise that they were going to be filing materials designated as confidential by AAH, and that they wished to confer on the matter. Plaintiffs subsequently provided AAH with a list of preliminary documents to be filed under seal, and conferred through several communications to discuss the scope of the restricted filing and ask AAH to withdraw the disputed confidentiality designations. During this process, AAH withdrew some confidentiality designations, which reduced the scope of the documents and materials subject to this motion. Where Plaintiffs object to the continued sealing of a document, Plaintiffs have provided that objection to AAH, pursuant to Local Rule 79(d)(7).

DOCUMENTS PRODUCED BY THIRD PARTIES

9. Chart B below identifies the Third Party documents that Plaintiffs are preliminarily filing under seal, along with a description of the general nature of the information withheld from the public record, pursuant to Local Rule 79(d)(2).

10. Where a document is only designated as partially confidential, Plaintiffs are filing a public, redacted version.

11. Chart B also identifies Plaintiffs position as to the continued sealing of the document.

| CHART B | | | |
|--|---|-----------------------------|--------------------------------|
| Third Party Documents Designated Confidential | | | |
| Ex. to Daubert. | General Nature | Plaintiffs' Position | Custodian / Third Party |
| 12 | Redacted excerpt of the transcript of the 30(b)(6) deposition of UnitedHealthcare, through representative Joanne Beck | Support | United Healthcare |
| 13 | Redacted excerpt of the transcript of the 30(b)(6) deposition of Cigna, through representative Eric Stotlar | Support | Cigna |
| 14 | Current State Summary.xlsx dated April 22, 2022 (AURORA00001869) | Support | WPS |
| 18 | Redacted excerpt of the transcript of the 30(b)(6) deposition of Humana, through representative Paul Maxwell | Support | Humana |

12. Plaintiffs made a good faith attempt to avoid this motion or to limit the scope of the documents or materials subject to sealing under the Motion. Specifically, beginning on April 29, 2026, Plaintiffs reached out to the Third Parties to advise that they were going to be filing materials that they designated as confidential, and that it wished to confer on the matter.

13. Plaintiffs provided the Third Parties with lists of the documents to be filed under seal, and conferred through several communications (both by email and through live conversation) to discuss the scope of the restricted filing. During this process, the Third Parties withdrew several confidentiality designations, which reduced the scope of the documents and materials subject to this motion. Plaintiffs do not object to the continued sealing of the Third Parties' documents in Chart B.

CONCLUSION

WHEREFORE, Plaintiffs respectfully request that the Court: (1) grant them leave to preliminarily file the documents in Charts A and B as restricted only to the parties; (2) rule on the objections set forth in Charts A and B; and (3) grant them any other relief the Court deems just and appropriate.

Dated: June 2, 2026

Respectfully submitted,

/s/ Michael Lieberman

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