

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO  
Denver**

AMGEN INC., *et al.*,

*Plaintiffs,*

v.

GAIL MIZNER, MD, in her official  
capacity as Chair of the Colorado  
Prescription Drug Affordability Review  
Board, *et al.*,

*Defendants.*

**Civil Action  
No. 1:25-cv-3452-DDD-STV**

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**PLAINTIFFS' UNOPPOSED MOTION TO RESTRICT**

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Pursuant to Local Rule 7.2(c), Plaintiffs Amgen Inc., Immunex Corporation, and Amgen Manufacturing Limited LLC (collectively “Amgen”) respectfully move this Court to maintain the unredacted Declaration of Adam Grennan under a Level 1 restriction, limiting access to the parties and the Court. In support of this motion, Amgen states as follows:

1. Acting pursuant to Colo. Rev. Stat. §§ 10-16-1401 to 10-16-1416, the Colorado Prescription Drug Affordability Review Board has established a price cap on Amgen’s patented drug ENBREL®. Amgen’s motion for a preliminary injunction, filed earlier today, asks the Court to enjoin enforcement of this unlawful price cap.

2. In support of its motion for preliminary injunction, Amgen submitted the Declaration of Adam Grennan, Amgen's Associate Vice President, Head US Market Access. Among other things, the Declaration details the irreparable harm that Amgen will suffer absent preliminary relief. In the public version filed by Amgen, paragraphs 8 and 11 of the Declaration are redacted. Amgen has now filed the unredacted version of the Declaration as a restricted document.

3. Amgen asks the Court to permanently restrict public access to the unredacted version of the Declaration at Level 1, limiting access to the parties and the Court. As set forth below, there is good cause for the restriction.

4. "Although there is a presumption of public access to court files, the right to inspect and copy judicial records is not absolute. Access properly is denied where court files might serve as a source of business information that could harm a litigant's competitive standing." *SBM Site Servs., LLC v. Garrett*, 2011 WL 1375117, at \*3 (D. Colo. Apr. 12, 2011) (citations omitted) (citing *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)); *see also, e.g., Sports Rehab Consulting LLC v. Vail Clinic, Inc.*, 2025 WL 974047, at \*2 (D. Colo. Mar. 31, 2025) (granting motion to restrict public access to "information which, if disclosed, could harm Vail's competitive position"); *Mercer Global Advisers, Inc. v. ACG Wealth, Inc.*, 2024 WL 3252156, at \*4 (D. Colo. June 22, 2024) ("[T]he presumption of public access ... is outweighed by the parties' interest in privacy and protection of confidential or trade secret information.").

5. Restriction of the unredacted Declaration is necessary to protect business information that could harm Amgen's competitive standing. The two paragraphs at issue detail confidential information regarding Amgen's discussions with PBMs regarding annual contracts for 2027 and Amgen's approach to the contract negotiation process with PBMs. Revealing this information to PBMs and to Amgen's competitors would harm Amgen's competitive position in its negotiations with PBMs. *See* Grennan Decl. ¶ 14.

6. Amgen's interest in restricting access to these two paragraphs outweighs the presumption of public access given Amgen's strong interest in maintaining the confidentiality of "business information that could harm [its] competitive standing." *SBM Site Servs.*, 2011 WL 1375117, at \*3; *see Sports Rehab Consulting*, 2025 WL 974047, at \*2 (restricting access to information that "could be improperly leveraged against Vail Health by future counterparties to contracts" (cleaned up)); *Healthtrio, LLC v. Aetna, Inc.*, 2014 WL 6886923, at \*1 (D. Colo. Dec. 5, 2014) (holding that party's interest in avoiding release of "proprietary information that might lead to economic harm if available to [its] competitors ... outweigh[ed] the presumption for public inspection").

7. There is no alternative to restriction that will adequately protect Amgen's interest in confidentiality. Amgen has already filed a redacted version of the Declaration on the public docket, and Amgen's proposed redactions are narrowly limited to only two specific paragraphs of the Declaration. Because those two

paragraphs consist entirely of confidential, competitively sensitive business information, full redaction of those two paragraphs is necessary to protect Amgen's legitimate interest. *See Kong Co. v. Bounce Enters., LLC*, 2025 WL 2208136, at \*13 (D. Colo. Mar. 27, 2025) (granting motion to restrict in part because document contained "confidential business and financial information" but requiring party to "file a public redacted version of the report ... that redacts any confidential information"); *Mercer Global Advisors*, 2024 WL 3252156, at \*4 (granting motion to restrict where party "proposed narrowly tailored redactions" to "protect disclosure of sensitive and proprietary information that is not currently available to the public" (cleaned up)).

8. Amgen has conferred with counsel for Defendants, and counsel has indicated that Defendants do not oppose this motion.

For these reasons, Amgen respectfully requests that the Court grant Amgen's motion to restrict access to the unredacted Grennan Declaration at Level 1, limiting access to the parties and the Court.

Dated: November 21, 2025

Respectfully submitted,

/s/ Paul Alessio Mezzina

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**RULE 7.1(a) CERTIFICATION**

I hereby certify that I conferred with counsel for Defendants as to the relief sought in this motion, and counsel for Defendants indicated that they do not oppose the requested relief.

/s/ Paul Alessio Mezzina  
Paul Alessio Mezzina

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2025, I electronically filed the foregoing Unopposed Motion to Restrict with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Paul Alessio Mezzina  
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*Counsel for Plaintiffs*