

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re Abbott Laboratories Infant Formula Shareholder Derivative Litigation.) Case No. 1:22-cv-05513
)
) Judge Manish S. Shah
)

MOTION FOR LEAVE TO FILE UNDER SEAL BY LEAD PLAINTIFFS
INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 710 PENSION FUND
AND SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

Pursuant to Local Rules 5.8 and 26.2, Lead Plaintiffs International Brotherhood of Teamsters Local No. 710 Pension Fund (“Teamsters Pension Fund”) and Southeastern Pennsylvania Transportation Authority (“SEPTA”), by and through their undersigned counsel, respectfully move this Court for leave to file under seal Lead Plaintiff’s Opposition to Defendants’ Motion to Dismiss (the “Brief in Opposition”).

In support of this motion, Lead Plaintiffs state as follows:

1. Lead Plaintiffs have filed a redacted version of the Brief in Opposition and an unredacted, provisionally sealed version of the Brief in Opposition simultaneously with the filing of this motion (*see* ECF Nos. 124 and 125 respectively).
2. Under Local Rule 26.2(c), “[a]ny party wishing to file a document or portion of a document electronically under seal in connection with a motion, brief or other submission must [. . .] move the court for leave to file the document under seal.”
3. The Brief in Opposition is subject to Confidentiality Agreements entered into between Lead Plaintiff Teamsters Pension Fund and Abbott Laboratories (“Abbott”) dated January 25, 2023, and Lead Plaintiff SEPTA and Abbott dated February 28, 2023. Prior to commencing this action, Teamsters Pension Fund and SEPTA each separately served inspection demands on Abbott pursuant to 805 ILL. COMP. STAT. §5/7.75. After negotiations, Abbott produced certain books and records

responsive to Lead Plaintiffs' inspection demands subject to the Confidentiality Agreements referenced above, which require both Lead Plaintiffs to file pleading referencing the confidential material under seal. The Brief in Opposition refers throughout to material subject to the respective Confidentiality Agreements. Lead Plaintiffs respectfully submit that good cause exists to initially seal the Brief in Opposition because nominal defendant Abbott has designated material as "Confidential," and pursuant to their respective Confidentiality Agreements, Lead Plaintiffs are required to seek to have a brief filed under seal when they refer to materials Abbott has designated as "Confidential."

WHEREFORE, for the reasons stated above, Lead Plaintiffs Teamsters Pension Fund and SEPTA respectfully request that this Court grant this motion and permit Lead Plaintiffs to file under seal the Brief in Opposition.

Dated: February 16, 2024

Respectfully submitted,

/s/ Maxwell Huffman
Maxwell R. Huffman
SCOTT+SCOTT ATTORNEYS
AT LAW LLP
600 W. Broadway Suite 3300
San Diego, CA 92101
Telephone: 619-233-4565
mhuffman@scott-scott.com

Justin O. Reliford
Jing-Li Yu
SCOTT+SCOTT
ATTORNEYS AT LAW LLP
The Helmsley Building
230 Park Avenue, 17th Floor
New York, NY 10169
Telephone: 212-223-6444
jreliford@scott-scott.com
jyu@scott-scott.com

Geoffrey M. Johnson
SCOTT+SCOTT
ATTORNEYS AT LAW LLP
12434 Cedar Road, Suite 12

/s/ Carol V. Gilden
Carol V. Gilden
COHEN MILSTEIN SELLERS & TOLL, PLLC
190 South LaSalle Street, Suite 1705
Chicago, IL 60603
Bar No.: 6185530
Telephone: 312-357-0370
cgilden@cohenmilstein.com

Richard Speirs
Amy Miller
COHEN MILSTEIN SELLERS & TOLL, PLLC
88 Pine Street, 14th Floor
New York, NY 10005
Telephone: 212-838-7797
rspeirs@cohenmilstein.com
amiller@cohenmilstein.com

Steven J. Toll
Molly Bowen
COHEN MILSTEIN SELLERS & TOLL, PLLC
1100 New York Ave., NW, Fifth Floor
Washington, DC 20005

Cleveland Heights, OH 44106
Telephone: 216-229-6088
gjohnson@scott-scott.com

Co-Lead Counsel for Plaintiffs

Telephone: 202-208-2600
stoll@cohenmilstein.com
mbowen@cohenmilstein.com

Co-Lead Counsel for Plaintiffs