

**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**

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 undersigned counsel, respectfully move this Court for leave to file under seal their Consolidated Amended Verified Stockholders’ Derivative Complaint (the “Amended Complaint”).

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

1. Lead Plaintiffs have filed a redacted version of the Amended Complaint and an unredacted, provisionally sealed version of the Amended Complaint simultaneously with the filing of this motion (*see* ECF Nos. 91 and 92 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 Amended Complaint 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 any complaint or other pleading referencing the confidential material under seal. The Amended Complaint refers throughout to material subject to the respective Confidentiality Agreements. Lead Plaintiffs respectfully submit that good cause exists to initially seal the Amended Complaint because nominal defendant Abbott has designated material as "Confidential," and pursuant to their respective Confidentiality Agreements, Lead Plaintiffs are required to seek to have their complaint to be 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 Amended Complaint.

Dated: October 16, 2023

Respectfully submitted,

/s/ Geoffrey M. Johnson
Geoffrey M. Johnson
SCOTT+SCOTT
ATTORNEYS AT LAW LLP
12434 Cedar Road, Suite 12
Cleveland Heights, Ohio 44106
Tel: 216-229-6088
gjohnson@scott-scott.com

Jing-Li Yu
Tyler C. Yagman
SCOTT+SCOTT
ATTORNEYS AT LAW LLP
The Helmsley Building
230 Park Avenue, 17th Floor
New York, NY 10169
Tel: 212-223-6444
jyu@scott-scott.com
tyagman@scott-scott.com

/s/ Carol V. Gilden
Carol V. Gilden
COHEN MILSTEIN SELLERS & TOLL, PLLC
190 South LaSalle Street, Suite 1705
Chicago, Illinois 60603
IL Bar: 6185530
Tel: 312-357-0370
cgilden@cohenmilstein.com

Richard Speirs
Amy Miller
COHEN MILSTEIN SELLERS & TOLL, PLLC
88 Pine Street, 14th Floor
New York, NY 10005
Tel: 212 828-7791
rspeirs@cohenmilstein.com
amiller@cohenmilstein.com

Joseph A. Pettigrew
SCOTT+SCOTT
ATTORNEYS AT LAW LLP
600 W. Broadway, Suite 3300
San Diego, CA 92101
Tel: 619-233-4565
jpettigrew@scott-scott.com

Co-Lead Counsel for Lead Plaintiffs

John A. Kehoe
KEHOE LAW FIRM, P.C.
1500 JFK Boulevard, Suite 1020
Philadelphia, PA 19102
Tel: 215-792-6676
jkehoe@kehoelawfirm.com

*Additional Counsel for Plaintiff Southeastern
Pennsylvania Transportation Authority*

Steven J. Toll (*pro hac vice* forthcoming)
Molly Bowen (*pro hac vice* forthcoming)
COHEN MILSTEIN SELLERS & TOLL, PLLC
1100 New York Ave., NW
Fifth Floor
Washington, DC 20005
Tel: 202-208-2600
stoll@cohenmilstein.com
mbowen@cohenmilstein.com

Co-Lead Counsel for Lead Plaintiffs