

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

ANTHEM, INC. and CIGNA CORP.,

Defendants.

Case No. 1:16-cv-01493-ABJ

**ANTHEM'S RESPONSE TO THE COURT'S NOVEMBER 22, 2016
MINUTE ORDER REGARDING THE UNSEALING OF TRANSCRIPTS**

Anthem has dutifully followed the Court's direction and has closely reviewed the sealed transcripts in light of governing D.C. Circuit law, including the factors set forth in *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980).

Anthem does not oppose the unsealing of the November 22, 2016 transcripts in their entirety. Portions of the sealed transcripts address topics that are confidential and commercially sensitive. *See* November 21, 2016 Minute Order (adopting Special Master Report & Recommendation No. 10 [Dkt. 345] recommending the Court grant Anthem's motion to seal). The testimony in the sealed transcripts, however, did not get into a level of detail regarding confidential topics that creates a serious risk of substantial harm to Anthem. Given the tolerable risk to Anthem, and the public interest considerations in the *Hubbard* analysis, Anthem is comfortable with the Court unsealing the sealed portions of the November 22, 2016 transcripts.

Anthem intends to remain vigilant in protecting its confidential and commercially sensitive information (and in abiding by rulings on motions to seal the confidential and

commercially sensitive information of others). Anthem reserves its right to seek to maintain the confidentiality of information to the extent warranted under law.

Dated: November 27, 2016
Washington, D.C.

Respectfully submitted,

/s/ Christopher M. Curran

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CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2016, a true and correct copy of the foregoing was served via email upon all counsel of record.

Dated: November 27, 2016
Washington, D.C.

Respectfully submitted,

/s/Michael J. Gallagher

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