

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

IN RE: SUBPOENA NO. 25-1431-014 : MISCELLANEOUS ACTION
:
:**NO. 25-39**
:
:

ORDER

AND NOW, this 25th day of July 2025, upon considering the private entity Respondent's Motion for leave (ECF 2) to file under seal its Motion to limit subpoena with supporting Memorandum and Exhibits (ECF 1), the United States' Opposition (ECF 10), mindful Respondent also filed its Motion for leave (ECF 2) under seal, having independently reviewed on a line-by-line basis the Motions to limit subpoena and seal (ECF 1, 2), and finding Respondent does not offer a line-by-line justification of particularized harm to preclude public access to the Motion to seal (ECF 2) but may have limited grounds in its Exhibits to the Motion to limit subpoena (ECF 1) if afforded an opportunity to meaningfully consult with the United States and narrow the preclusion of public access to identified redacted materials in the pending and anticipated filings, it is **ORDERED** we:

1. **Direct** the Clerk of Court forthwith **unseal** Respondent's Motion for leave to seal (ECF 2), Filing fee (ECF 3), our July 9, 2025 and July 14, 2025 Orders (ECF 4, 9), Certificate of service (ECF 5), Motions for *pro hac vice* (ECF 6, 7, 8), and the United States' Opposition (ECF 10);

2. **DENY** Respondent's Motion for leave (ECF 2) to file the entirety of its Motion to limit (ECF 1) under seal including captions, public records, and case citations without a line-by-

line demonstration of particularized harm in public access and mindful of the United States' offer to meet and confer as to limit the redactions and meet the parties' obligations¹ of public access to judicial documents but directing the Clerk of Court shall **maintain the seal** on the Motion to limit and attachments (ECF 1) until further Order;

3. **GRANT** Respondent, after a meaningful meet and confer (not just email) with the United States, leave to **show cause** in Memoranda not exceeding ten pages filed on or before **August 4, 2025** as to why we should not lift the seal on the Motion (ECF1) including by identifying particular lines of its Motion to limit subpoena and attachments (ECF 1) for warranted redaction and fulsomely describing the United States' position as to the proposed redactions; and,

4. **AMEND** our July 9, 2025 Order (ECF 4) only to grant the United States leave to respond to the Motion to limit (ECF 1) by no later than **August 11, 2025** so as to avoid further review of public access issues in its response.


KEARNEY, J.

¹ *In re Avandia Mktg., Sales Practices & Products Liab. Litig.*, 924 F.3d 662 (3d. Cir. 2019) and *In re: Application of Storag Etzel GmbH for an Order, Pursuant to 28 U.S.C. § 1782, to Obtain Discovery for Use in a Foreign Proceeding*.