

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

<b>IN RE: FRESENIUS</b>	:	
<b>GRANUFLO/NATURALYTE DIALYSATE</b>	:	
<b>PRODUCTS LIABILITY LITIGATION</b>	:	<b>MDL NO. 1:13-MD-2428-DPW</b>
	:	
<b>This Document Relates to:</b>	:	
	:	
<i>All Cases</i>	:	

---

**FMCNA’S ASSENTED-TO MOTION TO FILE UNDER SEAL**

Defendants Fresenius Medical Care Holdings, Inc., Fresenius USA, Inc., Fresenius USA Manufacturing, Inc., and Fresenius USA Marketing, Inc., (collectively “FMCNA”) hereby move the Court for leave to file under seal their forthcoming motions to preclude or limit the testimony of certain expert witnesses pursuant to Federal Rule of Evidence 702 and related case law, along with accompanying memoranda and exhibits (collectively, “*Daubert* Motions”).

Paragraph 29 of Case Management Order No. 5 requires that any document or pleading that contains material designated “CONFIDENTIAL” be filed under seal pursuant to Local Rule 7.2. FMCNA’s *Daubert* Motions contain copies of, references to, and quotes from documents and deposition transcripts that have been marked as “CONFIDENTIAL” under the Case Management Order. Accordingly, FMCNA seeks leave to file the above-listed documents under seal.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

Undersigned counsel hereby certifies that the PEC assents to this motion.

Dated: September 10, 2015

Respectfully submitted,

/s/ Sara E. Silva  
William H. Kettlewell (BBO # 270320)  
Maria R. Durant (BBO # 558906)  
Sara E. Silva (BBO #645293)  
COLLORA LLP  
100 High Street, 20th Floor  
Boston, MA 02110  
(617) 371-1000  
(617) 371-1037 (fax)  
wkettlewell@collorallp.com  
mdurant@collorallp.com  
ssilva@collorallp.com

Kevin C. Newsom  
Leigh Anne Hodge  
BRADLEY ARANT BOULT CUMMINGS LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203  
(205) 521-8000  
(205) 521-8800 (fax)  
knewsom@babco.com / lhodge@babco.com

James F. Bennett  
Megan S. Heinsz  
DOWD BENNETT LLP  
773 Forsyth Blvd., Suite 1410  
St. Louis, MO 63105  
(314) 889-7300  
(314) 889-7302 (fax)  
jbennett@dowdbennett.com  
mheinsz@dowdbennett.com

Juanita Brooks  
FISH & RICHARDSON  
12390 El Camino Real  
San Diego, CA 92130  
(858) 678-5070  
(858) 678-5099 (fax)  
brooks@fr.com

Thomas Melsheimer  
FISH & RICHARDSON  
1717 Main Street  
Dallas, TX 75201  
(214) 747-5070  
(214) 747-2091 (fax)  
melsheimer@fr.com

*Counsel for FMCNA*

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 10, 2015.

/s/ Sara E. Silva  
Sara E. Silva