

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: FRESENIUS :
 GRANUFLO/NATURALYTE DIALYSATE :
 PRODUCTS LIABILITY LITIGATION : MDL NO. 1:13-MD-2428-DPW
 :
 This Document Relates to: :
 :
 :
Dial v. FMCNA :
 Case No. 1:14-cv-11101 :

FMCNA’S ASSENTED-TO MOTION TO FILE UNDER SEAL
DIAL CASE-SPECIFIC SUMMARY JUDGMENT MOTIONS

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 motion for summary judgment in the case of *Dial v. FMCNA*, Case No. 1:14-cv-11101, pursuant to Federal Rule of Evidence 702 and related case law, along with accompanying memorandum, statement of facts, and exhibits (collectively, “Dial Summary Judgment Motion”).

Pursuant to the parties’ Joint Proposed Tracking Order for Initial Bellwether Trials (Docket No. 1523 in MDL Action), the parties’ case-specific summary judgment motions are due to be filed in the above-captioned case on December 8, 2015.

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 Dial Summary Judgment Motion contains copies of, references to, and quotes from documents and deposition transcripts that have been marked as “CONFIDENTIAL” under the Case Management Order.

WHEREFORE, FMCNA seeks leave to file the Dial Summary Judgment Motion under seal.

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

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

Dated: December 7, 2015

Respectfully submitted,

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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 December 7, 2015.

/s/ Sara E. Silva
Sara E. Silva