

UNITED STATES DISTRICT COURT  
FOR THE 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*

**DIAL PLAINTIFF’S MOTION FOR LEAVE TO FILE UNDER SEAL  
ITS PRELIMINARY RESPONSE IN OPPOSITION TO DEFENDANTS’ MOTION FOR  
SUMMARY JUDGMENT**

Counsel for the Plaintiff in the bellwether trial case *Dial v FMCNA*, by the below-signed MDL Liaison Counsel, respectfully moves this Court, with the assent of counsel for the FMCNA Defendants, for leave to file under seal its preliminary opposition to Defendants’ Motion for Summary Judgment.

Pursuant to Order of the Court (Woodlock, J.), the Plaintiff’s preliminary opposition to FMCNA’s motion for summary judgment is due to be filed on January 12, 2016.

The Dial Plaintiff’s preliminary opposition papers will include or reference widely throughout them, copies of additional documents and/or excerpts from documents, as well as depositions, that Defendants have identified as “CONFIDENTIAL” pursuant to the terms of Case Management Order No. 5 (“CMO No. 5”), entered on November 15, 2013. Paragraph 29 of CMO No. 5 mandates that any document or pleading containing material such as that referenced above be filed under seal pursuant to Local Rule 7.2. Plaintiffs hereby seek to comply with the terms of the Protective Order.

WHEREFORE, Plaintiff respectfully requests that this Court grant leave to file the Dial Plaintiff's preliminary opposition to FMCNA's motion for summary judgment under seal.

Dated: January 11, 2016

Respectfully submitted,

/s/ Anthony Tarricone  
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**MEET AND CONFER CERTIFICATION**

I hereby certify that the undersigned met and conferred with counsel for the Fresenius Medical Care North America Defendants in an effort to narrow or resolve the issues herein.

/s/ Anthony Tarricone  
Anthony Tarricone, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served via electronic mail to counsel of record for the Fresenius Defendants as follows:

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/s/ Anthony Tarricone \_\_\_\_\_  
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