

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: TEPEZZA MARKETING,)
SALES PRACTICES, AND PRODUCTS)
LIABILITY LITIGATION,)
)
)
)**

No. 23 C 3568

Magistrate Judge M. David Weisman

ORDER

Plaintiffs ask the Court to compel defendant to produce the raw clinical trial data for Tepezza and “[the records of] all payments [defendant] made to healthcare professionals . . . to create a market for, or promote the sale of, Tepezza.” (ECF 111 at 4-5.) Plaintiffs say they need to have their experts analyze the raw clinical trial data because defendant’s analysis “was seriously flawed as it relates to the incidence of hearing impairment.” (*Id.* at 4.) Defendant does not dispute the data’s relevance, but it says plaintiffs’ request for it is overly broad, unduly burdensome, and disproportional to the needs of the case. Specifically, defendant says it has agreed to produce documents that show how the clinical trial was designed and the planned statistical analyses, as well as Clinical Study Reports (CSRs), which provide a detailed analysis of the clinical trial and its outcomes. (ECF 112 at 8.) Further, defendant says, the CSRs contain anonymized patient data, whereas the raw clinical data would have to be anonymized by a third-party vendor at great expense before it is produced. (*Id.* at 8-9.) The Court is not persuaded by defendant’s objections. Defendant concedes the relevance of the raw data, which plaintiffs need to test their belief that defendant’s analysis was flawed. Moreover, the cost of anonymization, though undoubtedly considerable, should not be unduly burdensome for a litigant of defendant’s means. Accordingly, the Court orders defendant to produce the raw clinical trial data.

Plaintiffs also seek records of payments defendant made to all doctors “to create a market for, or promote the sale of, Tepezza.” (ECF 111 at 5.) Plaintiffs say these records will help establish bias on the part of the doctors who received them and are relevant to their punitive damages claims, “*i.e.*, whether Horizon’s efforts to pay doctors evidence a willful disregard for the risks Tepezza posed to patients.” (*Id.* at 11-13.) Defendant says it has “agreed to produce case-specific information concerning payments [it] made to the prescribing physicians of bellwether plaintiffs during case-specific discovery” (ECF 112 at 5), and payments to physicians other than the prescribers in these suits are irrelevant. Moreover, defendant says, plaintiffs’ request is unduly burdensome because the information about such payments is publicly available at OpenPaymentsData.gov, the database to which federal law requires defendant report any physician payment greater than \$10.00. (*Id.* at 7.) The Court agrees with defendant. Given the marginal relevance of payments to doctors not involved in these suits and the public availability of physician payment data, plaintiffs’ request for all physician payment information is overly broad and unduly burdensome.

SO ORDERED.

ENTERED: March 19, 2024



M. David Weisman
United States Magistrate Judge