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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO

BY FAX

11 GLAXOSMITHKLINE LLC, a Delaware
limited liability company; ViiV Healthcare
12 Company, a Delaware corporation

13 Plaintiffs/Petitioners

14 v.

15 The CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM, aka CalPERS, an
16 agency of the State of California; the
CALIFORNIA CORRECTIONAL HEALTH
17 CARE SERVICES, an agency of the State of
California, and DOES 1-100, inclusive.

18 Defendants/Respondents
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Case No.

**VERIFIED COMPLAINT AND PETITION
FOR WRIT OF MANDATE**

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INTRODUCTION

1. This Verified Complaint and Petition (“Petition”) is what the California courts have termed a “Reverse-CPRA” action – an action by a party to prevent the unauthorized disclosure by a public entity of confidential information and records pertaining to the Petitioners in the possession of Respondents. GlaxoSmithKline LLC (“GSK”) and ViiV Healthcare Company (“ViiV”) (collectively “Petitioners”) petition this Court for a writ of mandate to prevent the unlawful release of Petitioners’ competitively sensitive, confidential, proprietary and trade secret information.

2. At issue in this Petition is the protection from disclosure of highly confidential drug pricing information that Petitioners produced solely pursuant to Senate Bill No. 17 (“SB 17”) and only to the Office of Statewide Health Planning and Development (“OSHPD”). Petitioners designated this information competitive information and/or trade secrets and deemed it highly confidential. Per SB 17, OSHPD made this confidential pricing information available to registered purchasers under Cal. Health & Safety Code § 127677 (a)-(e) (a provision passed as part of SB 17) including the California Public Employees’ Retirement System (“CalPERS”) and the California Correctional Health Care Services (“CCHCS”) (collectively, the “Respondents”).

3. In November 2018, CalPERS advised Petitioners that it had received a California Public Records Act (“CPRA”) request pursuant to California Government Code § 6250 *et seq.* for the highly confidential pricing information Petitioners provided to CalPERS in accordance with Health and Safety Code § 127677 and that it planned to send the highly confidential information to the requestor. Shortly thereafter, CCHCS advised Petitioners that it had received a similar CPRA request and that the entities plan to produce Petitioners’ highly confidential pricing information absent a court order.

4. Because of the threat of imminent disclosure of its highly confidential, proprietary, and trade secret pricing information, Petitioners are compelled to seek relief from this Court. Absent court intervention, it is only a matter of time before such information is disclosed, even more CPRA requests are issued to SB 17’s registered purchasers, and Petitioners are irreparably harmed.

PARTIES

5. Petitioner, GlaxoSmithKline LLC (“GSK”) is a Delaware limited liability company