

ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

IN THE MATTER OF:)
)
CCC HOLDINGS, INC,)
) Docket No. 9334
AND)
) PUBLIC
AURORA EQUITY PARTNERS III L.P.)

**HARTFORD FIRE INSURANCE COMPANY'S MOTION FOR
IN CAMERA TREATMENT OF CONFIDENTIAL MATERIAL**

Pursuant to 16 C.F.R. § 3.45(b) and the Protective Order in this proceeding, The Hartford Fire Insurance Company ("Hartford") respectfully moves for *in camera* treatment of the confidential and competitively sensitive material Hartford produced to the Federal Trade Commission (the "FTC") and Respondents. In support of this motion, Hartford states as follows:

1. Respondent CCC Holdings, Inc. issued a subpoena (the "Subpoena") to Hartford on or about December 5, 2008 in an action entitled, Federal Trade Commission v. CCC Holdings, Inc., et al., No. 1:08-cv-02043 (RMC), United States District Court for the District of Columbia (the "Action"). The Subpoena sought documents and deposition testimony.

2. Hartford produced documents in response to the Subpoena and, on December 29, 2008, Eric Brandt, Vice President of Property & Casualty Claims Practices at Hartford was deposed.

3. Pursuant to the December 4, 2008 stipulated protective order in the Action, The Hartford designated as confidential the documents it produced and the testimony it provided.

4. On January 8, 2009, the court in the Action held a hearing on the FTC's motion for preliminary injunction. Mr. Brandt testified at the hearing.

5. In the Action, Hartford moved the court to treat all of Hartford's documents as confidential under the stipulated protective order in the Action. Hartford also moved the court to close the courtroom and hear Mr. Brandt's testimony confidentially. The court granted both motions. It ordered that all of Hartford's documents were under seal and closed the courtroom for Mr. Brandt's testimony.

6. On March 5, 2009, Hartford's counsel received a letter from the FTC. The letter states that the FTC plans to offer into evidence documents and testimony Hartford provided pursuant to the Subpoena. The FTC's letter does not identify the documents or testimony the FTC may introduce.

7. Neither Respondent has notified Hartford that it intends to use any of Hartford's documents or testimony.

8. Respondents provide automobile physical damage partial and total loss estimating software. Hartford currently has a contract with Respondent CCC Holdings, Inc. ("CCC") to use CCC's software.

9. The documents and testimony Hartford provided in the Action reveal confidential and competitively sensitive information in many areas, including the following: (a) Hartford's internal costs to covert to a new vendor's estimating software; (b) pricing and terms of Hartford's estimating software contracts; (c) pricing and proposed terms for such contracts from various vendors; (d) the manner in which Hartford uses loss estimating software and adjusts claims; (e) the manner and extent of use of staff appraisers in handling claims; (f) the manner and extent of use of independent appraisers in handling claims; (g) the manner and extent of use and relationship with automobile repair facilities participating in Hartford's Direct Repair Program; (h) data regarding automobile insurance claims, including claim volume, percentages

and numbers of partial and total loss claims; (i) information regarding Hartford's internal workflows and business strategies; and (j) information regarding Hartford vendor bidding processes and contract negotiation strategies. Competitors of Hartford and Respondents could gain a competitive advantage if they had this information. The court in the Action concluded that these concerns warranted maintaining the confidentiality of all of Hartford's documents and testimony. We respectfully submit that this conclusion holds true in these proceedings as well.

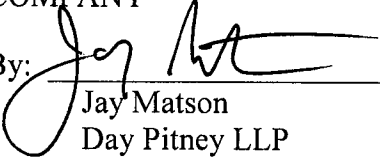
10. At this time, neither the FTC nor Respondents has identified any Hartford document or testimony that it intends to use at trial. In its letter dated March 5, 2009, the FTC simply states that it plans to introduce unspecified documents and/or testimony of Hartford. Pursuant to paragraph 10 of the January 7, 2009 Protective Order Governing Discovery Material entered in this action, Hartford understands that it must move for in camera treatment within five days of receiving notice that the FTC or a Respondent plans to introduce any document or transcript containing confidential material produced by Hartford. If and when the FTC or any Respondent identifies specific documents or testimony of Hartford that it plans to use at trial, Hartford respectfully requests a reasonable period of time to supplement this motion to address confidentiality concerns specific to the specific documents and/or testimony that is identified.

11. *In camera* treatment is appropriate in this case because disclosing the information will harm Hartford and put it at a competitive disadvantage. Further, competitors of Hartford and Respondents could gain an unfair advantage if they were to obtain the documents and testimony at issue.

WHEREFORE, Hartford respectfully moves for an order that all documents and testimony provided pursuant to the Subpoena and in connection with the Action shall receive *in camera* treatment in these proceedings.

NON-PARTY, HARTFORD FIRE INSURANCE
COMPANY

By:


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**ORDER GRANTING THE HARTFORD FIRE INSURANCE
COMPANY'S MOTION FOR *IN CAMERA* TREATMENT**

After consideration of non-party The Hartford Fire Insurance Company's Motion for *In Camera* Treatment, it is hereby ORDERED that the Motion is granted because the documents and testimony at issue would result in competitive injury to The Hartford Fire Insurance Company if disclosed.

Date: _____

Administrative Law Judge: _____

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2008, a copy of the foregoing was sent, via messenger to:

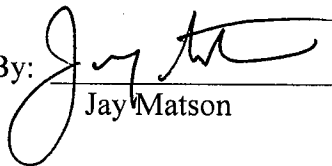
D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Avenue, NW
Washington DC 20580

and a copy of the foregoing was sent, via First Class United States Mail to:

David Morris, Esq.
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Room NJ-6149
601 New Jersey Avenue, NW
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John Millian, Esq.
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By: 
Jay Matson