

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



_____)
In the Matter of _____)
ProMedica Health Systems, Inc., _____)
Respondent. _____)

Docket No. 9346

[PUBLIC]

**Unopposed Motion of Non-Party Fulton County Health Center
For Extension of Time to Move for *In Camera* Treatment of Exhibits
Designated by Complaint Counsel**

Non-party Fulton County Health Center ("FCHC") respectfully moves for an extension of time, until May 13, 2011, within which to file its motion for *in camera* treatment of certain exhibits that Complaint Counsel has designated for possible introduction at the hearing in this matter.

By letter dated April 28, 2011 addressed to Gary O. Sommer, legal counsel for FCHC, a copy of which is attached hereto as Exhibit A, Complaint Counsel notified FCHC of its intent to offer into evidence in these administrative proceedings certain data, documents and testimony identified in Attachment A to the letter, and advised that the deadline for seeking *in camera* treatment is May 5, 2011.

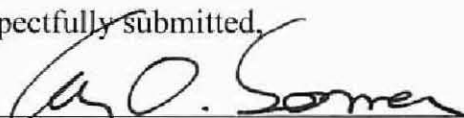
FCHC, in consultation with undersigned counsel, is in the process of preparing the showing necessary to obtain *in camera* treatment for certain confidential records produced. This process is hindered by the current temporary absence from his office of the Administrator of FCHC, who will be providing the necessary Declaration in support of the motion for *in camera*

treatment. Additional time is needed to complete the review process and prepare the showing necessary to support FCHC's motion for *in camera* treatment.

Complaint Counsel and counsel for Respondent have indicated to the undersigned that they do not oppose this motion for extension of time, and that they will not oppose FCHC's motion for *in camera* treatment.

Dated: May 3, 2011

Respectfully submitted,



Gary O. Sommer
HEBAN, SOMMER & MURPHREE, LLC
200 Dixie Hwy.
Rossford, Ohio 43460
419.662.3100
sommer@hsm-law.net
Attorney for Non-Party Fulton County
Health Center

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2011 the foregoing Unopposed Motion of Non-Party Fulton County Health Center for Extension of Time to Move for *In Camera* Treatment of Exhibits Designated by Complaint Counsel was filed electronically with the Office of the Secretary through the Federal Trade Commission E-Filing System. In addition, one paper original and one copy have been sent to:

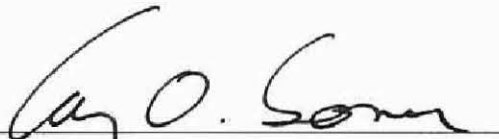
Donald S. Clark
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW., H-135
Washington, D.C. 20580

I also certify that on May 3, 2011 one paper copy of the foregoing motion was served by ordinary U.S. Mail, first class postage fully pre-paid, and one electronic copy of the motion was served by electronic mail upon:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW, H-106
Washington, D.C. 20580
oalj@ftc.gov

Jeanne Liu
Attorney, Bureau of Competition
U.S. Federal Trade Commission
Complaint Counsel
601 New Jersey Ave, NW
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David Marx, Jr.
McDermott Will & Emery LLP
Counsel for Respondent
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dmarx@mwe.com



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200 Dixie Hwy.
Rossford, Ohio 43460
419.662.3100
sommer@hsm-law.net
Attorney for Non-Party Fulton County
Health Center

COPY CERTIFICATION

I hereby certify that the electronic copy of the Unopposed Motion of Non-Party Fulton County Health Center for Extension of Time to Move for *In Camera* Treatment of Exhibits Designated by Complaint Counsel filed with the Office of the Secretary through the Federal Trade Commission E-Filing System is a true and correct copy of the paper original and that a paper copy with original signature is being filed with the Secretary on this date by ordinary U.S. Mail, first class postage fully pre-paid.

Dated: May 3, 2011



Gary O. Sommer
HEBAN, SOMMER & MURPHREE, LLC
200 Dixie Hwy.
Rossford, Ohio 43460
419.662.3100
sommer@hsm-law.net
Attorney for Non-Party Fulton County
Health Center

Attachment A



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Competition
Mergers IV

April 28, 2011

VIA ELECTRONIC MAIL

Gary Sommer, Esq.
Heban, Sommer & Murphree, LLC
200 Dixie Highway
Rossford, OH 43460

RE: *In the Matter of ProMedica Health System, Inc.*, Federal Trade Commission
Docket No. 9346

Dear Gary:

By this letter we are providing formal notice, pursuant to Rule 3.45(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.45(b), that Complaint Counsel intend to offer the data, document, and testimony referenced in the enclosed Attachment A into evidence in the administrative trial in the above-captioned matter. For your convenience, I am attaching a copy of the document and testimony. The administrative trial is scheduled to begin on May 31, 2011. All exhibits admitted into evidence become part of the public record unless *in camera* status is granted by Administrative Law Judge D. Michael Chappell.

For documents or testimony that include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R. §§ 3.45, 4.10(g). Judge Chappell may order that materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment. For example, judges have granted *in camera* motions after a non-party to the proceeding demonstrated that public disclosure of commercially sensitive information would expose it to a serious competitive disadvantage; that it has taken and continues to take measures to guard the secrecy of the information; and that the documents are not widely disseminated.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the standards set forth in 16 C.F.R. § 3.45 and explained in *In re Dura Lube Corp.*, 1999 FTC LEXIS 255 (Dec. 23, 1999); *In re Hoechst Marion Roussel, Inc.*, 2000 FTC LEXIS 157 (Nov.

22, 2000); *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the material. *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). For your convenience, we have collected an example of a third-party motion (and the accompanying declaration or affidavit) for *in camera* treatment that was filed and granted in a recent FTC administrative proceeding; this is included as an attachment to this letter.

Please be aware that under the current Scheduling Order dated February 7, 2011, the deadline for filing motions seeking *in camera* status is May 5, 2011.

If you have any questions, please contact me at 202-326-3572 or at jliu@ftc.gov. Thank you.

Regards,



Jeanne Liu

Enclosures

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)

ProMedica Health Systems, Inc.,)

Respondent.)

Docket No. 9346

[PUBLIC]

**[PROPOSED] ORDER GRANTING EXTENSION OF TIME
FOR NON-PARTY FULTON COUNTY HEALTH CENTER
TO FILE MOTION SEEKING *IN CAMERA* TREATMENT**

Upon consideration of the Unopposed Motion of Non-Party Fulton County Health Center For Extension of Time to Move for *In Camera* Treatment of Exhibits Designated by Complaint Counsel, IT HEREBY IS ORDERED that non-party Fulton County Health Center shall be given until May 13, 2011 within which to file its motion seeking *in camera* treatment of documents identified in Complaint Counsel's April 28, 2011 letter.

DATED: _____

The Honorable D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

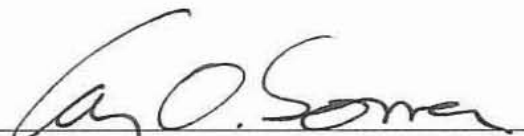
I hereby certify that on May 3, 2011 the foregoing [Proposed] Order Granting Extension of Time for Non-Party Fulton County Health Center to File Motion Seeking *In Camera* Treatment was filed electronically with the Office of the Secretary through the Federal Trade Commission E-Filing System.

I also certify that on May 3, 2011 one paper copy of the foregoing [Proposed] Order was served by ordinary U.S. Mail, first class postage fully pre-paid, and one electronic copy of the motion was served by electronic mail upon:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW, H-106
Washington, D.C. 20580
oalj@ftc.gov

Jeanne Liu
Attorney, Bureau of Competition
U.S. Federal Trade Commission
Complaint Counsel
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David Marx, Jr.
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dmarx@mwe.com

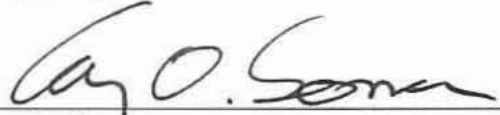


Gary O. Sommer
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Rossford, Ohio 43460
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sommer@hsm-law.net
Attorney for Non-Party Fulton County
Health Center

COPY CERTIFICATION

I hereby certify that the electronic copy of the [Proposed] Order Granting Extension of Time for Non-Party Fulton County Health Center to File Motion Seeking *In Camera* Treatment filed with the Office of the Secretary through the Federal Trade Commission E-Filing System is a true and correct copy of the paper original and that a paper copy being filed with the Secretary on this date by ordinary U.S. Mail, first class postage fully pre-paid.

Dated: May 3, 2011



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Rossford, Ohio 43460
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