In the matter of: :   Docket No.: 9346

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PROMEDICA HEALTH SYSTEMS, INC. :   Judge D. Michael Chappell

NON-PARTY MERCY HEALTH PARTNERS'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO MOVE FOR *IN CAMERA* TREATMENT OF CONFIDENTIAL MATERIALS

Non-party Mercy Health Partners ("MHP") respectfully moves for an extension of time

to move for *in camera* protection of its confidential and commercially sensitive documents that

the Federal Trade Commission ("FTC") and ProMedica Health Systems, Inc. ("ProMedica")

(collectively, the "Parties") may introduce into evidence during the hearing in this matter. MHP

produced these materials under compulsory process in response to subpoenas issued by the

Parties. Many of the documents that the Parties intend to introduce into evidence have been

designated as "Confidential" in accordance with the Protective Order Governing Discovery

Material because they contain MHP's confidential and competitively sensitive information.

By letters dated April 27 and April 28, 2011, Complaint Counsel and counsel for

ProMedica informed MHP that they intend to introduce into evidence certain materials that

contain MHP's confidential and competitively sensitive information. Those letters indicated that

any motion for *in camera* treatment of those documents must be filed by May 5, 2011.[1]

MHP, in consultation with the undersigned counsel, is in the process of preparing the

showing necessary to obtain *in camera* treatment for MHP's confidential and competitively
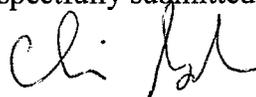
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[1] Although the Parties' letters may have been timely according to the last possible date allowed by the Scheduling Order, C.F.R. § 3.45(b) seems to contemplate that non-parties should have "at least 10 days notice" to prepare a motion for *in camera* treatment of their confidential materials.

sensitive information. Additional time is needed to complete the document review process and prepare MHP's motion for *in camera* treatment. Accordingly, MHP respectfully moves for an extension of time to move for *in camera* treatment of its confidential information.

Complaint Counsel and counsel for ProMedica have both indicated that they do not oppose this Motion.

Dated: May 3, 2011

Respectfully submitted,

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Counsel for Mercy Health Partners

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2011, a copy of the foregoing Motion for

Extension of Time to Move for *In Camera* Treatment of Confidential Materials was served by

overnight Federal Express and email on the following:

Donald S. Clark
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The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
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Counsel for Mercy Health Partners

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PROMEDICA HEALTH SYSTEMS, INC.   :   Judge D. Michael Chappell

[PROPOSED] ORDER MODIFYING SCHEDULING ORDER DEADLINE FOR THE FILING OF MOTIONS SEEKING *IN CAMERA* TREATMENT

Upon consideration of Non-party Mercy Health Partners's ("MHP") Unopposed Motion

for Extension of Time to Move for *In Camera* Treatment of Confidential Materials, it is hereby

ordered that MHP has until May 12, 2011 to file a motion seeking *in camera* treatment of its

confidential documents.

Dated: May   , 2011

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D. Michael Chappell
Chief Administrative Law Judge