

PUBLIC

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of
ProMedica Health System, Inc.,
Respondent,

DOCKET NO. 9346

Chief Administrative Law Judge
D. Michael Chappell

[PUBLIC]

NON-PARTY BLUE CROSS BLUE SHIELD OF MICHIGAN'S MOTION FOR *IN CAMERA* TREATMENT OF PROPOSED EVIDENCE

I. INTRODUCTION

Blue Cross Blue Shield of Michigan ("BCBSM"), which is not a party to the above-captioned action, respectfully requests that this Court grant *in camera* treatment of several documents that Complaint Counsel has designated for possible introduction in the administrative trial in this matter. By letter dated April 28, 2011, Complaint Counsel notified BCBSM that it intends to introduce into evidence certain data and testimony produced by BCBSM in response to a Civil Investigation Demand ("CID") dated September 10, 2010 and subpoena *duces tecum* issued by Complaint Counsel in this matter. The BCBSM documents designated for introduction into evidence by Complaint Counsel have been marked by Complaint Counsel as Exhibit No: PX01807 and Exhibit No: PX02080.

These documents were designated by BCBSM as confidential when they were produced. The information contained in these documents is competitively sensitive and is held in strict confidence by BCBSM. Public disclosure of these documents is likely to cause direct, serious harm to BCBSM's competitive position and compromise personal health information belonging to BCBSM customers. Therefore, pursuant to 16 C.F.R. § 3.45(b), BCBSM respectfully moves

for indefinite *in camera* treatment of the confidential documents described in the Declaration of Kim Sorget in support of this Motion, attached hereto as **Exhibit A**.

II. LEGAL STANDARD

The documents that are described in this motion warrant *in camera* treatment as provided by 16 C.F.R. § 3.45(b). Under 16 C.F.R. § 3.45(b), requests for *in camera* treatment must show that public disclosure of the document in question “will result in a clearly defined, serious injury to the person or corporation whose records are involved.” *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961). That showing of a clearly defined, serious injury can be made by establishing that the document in question is “sufficiently secret and sufficiently material to the applicant’s business that disclosure would result in serious competitive injury.” *In re General Foods Corp.*, 95 F.T.C. 352, 355 (1980). In this context, “the courts have generally attempted to protect confidential business information from unnecessary airing.” *Hood*, 58 F.T.C. at 1188.

The secrecy and materiality of the documents in question are evaluated according to the following standards articulated by the Commission in *In re Bristol-Meyers Co.*, 90 F.T.C. 455,456 (1977):

- (1) the extent to which the information is known outside the applicant's business;
- (2) the extent to which the information is known by employees and others involved in the applicant's business;
- (3) the extent of measures taken by the applicant to guard the secrecy of the information;
- (4) the value of the information to the applicant and its competitors;
- (5) the amount of effort or money expended by the party in developing the information; and
- (6) the ease of difficulty with which the information could be properly acquired or duplicated by others. [*Id.*].

A non-party requesting *in camera* treatment deserves “special solicitude” for its confidential business information. *In the Matter of Kaiser Aluminum & Chemical Corporation*, 103 F.T.C. 500 (1984) (order directing *in camera* treatment for sales statistics over five years old).

Indefinite *in camera* treatment is granted under certain circumstances. First, under 16 C.F.R. § 3.45(b), “sensitive personal information...shall be accorded permanent *in camera* treatment unless disclosure or an expiration date is required or provided by law.” Second, indefinite *in camera* treatment may be granted where the competitive sensitivity or the proprietary value of the information will not diminish with the passage of time. *In re Coca Cola Co.*, 1990 FTC LEXIS 364 (Oct. 17, 1990). Examples of this information include trade secrets, secret formulas, processes, and other secret technical information, and information that is privileged. *In re Hoechst Marion Roussel, Inc.*, 2000 FTC LEXIS 157 (Nov. 22, 2000).

III. BCBSM’S CONFIDENTIAL DOCUMENTS WARRANT IN CAMERA TREATMENT UNDER THE FEDERAL TRADE COMMISSION’S RULES OF PRACTICE

A. Description of Exhibit No: PX01807 and Exhibit No: PX02080

The documents designated by Complaint Counsel as Exhibit No. PX01807 are a compilation of BCBSM and Blue Care Network (“BCN”) claims data and health insurance product information during the relevant time period from 2004 to the present (sample data attached as **Exhibit B**). This data is responsive to the specific categories of information sought by Complaint Counsel in the CID and subpoena *duces tecum* served on BCBSM. In October 2010, BCBSM and Complaint Counsel agreed that BCBSM would provide data specifically responsive to Specification 5 and Specification 7 (with the exception of 7(e)) set forth in the CID. This data was timely supplemented in April, 2011.

These two specifications requested, from 2004 to the present, the following:

5. Submit, for each year from 2004 to the present, for each inpatient admission, or outpatient treatment episode, for any patient residing in the relative area:
 - a. the identity of the hospital, healthcare facility, or physician practice at which the patient was treated, including the owner of the hospital, healthcare facility, or physician practice, the address of the hospital, healthcare facility, or physician practice including ZIP code, and any hospital, healthcare facility, or physician practice identification number used for reimbursement purposes;
 - b. a unique patient identifier, different from that for other patients and the same as that for different admissions, discharges, or other treatment episodes for the same patient (to protect patient privacy, the Company shall mask personal identifying information, such as the patient's name or Social Security number, by substituting a unique patient identifier);
 - c. the patient's residence 5-digit ZIP code;
 - d. the patient's age (in years), gender, and race;
 - e. whether the treatment episode was inpatient or outpatient, if inpatient, the date of admission and date of discharge, and if outpatient, the date of treatment;
 - f. the primary associated DRG and ICD9 diagnosis and procedure codes, and any secondary DRG and ICD9 diagnosis and procedure codes;
 - g. whether the treatment provided was for an emergency;
 - h. the source of the patient (such as by referral from another hospital, or by a physician who does not admit the patient);
 - i. the specific name of the entity and type of health plan offered by the Company (such as HMO, POS, PPO, etc.) that was the principal source of payment;
 - j. for each product listed in Specification 5(i), identify whether this product is offered through a managed care contract with Medicare, Medicaid, or other public health insurance program;

- k. whether the hospital, healthcare facility, or physician practice identified in response to Specification 5(a) was a participating provider under the patient's health plan and, if the patient's health plan had different tiers of participating providers, which tier the hospital, healthcare facility, or physician practice was in;
 - l. whether there was a capitation arrangement with a health plan, if any, covering the patient (identify the arrangement);
 - m. the billed charges of the hospital, healthcare facility, or physician practice, allowed charges under the patient's health plan, the amount of charges actually paid by the health plan, whether the amount of charges actually paid by the health plan includes any adjustments under any stop-loss provisions, and any additional amounts paid by the patient;
 - n. any breakdown of the hospital's, healthcare facility's, or physician practice's charges by any categories of hospital services rendered to the patient (such as medical/surgical, obstetrics, pediatrics, or ICU) for which the Company provides reimbursement to the hospital, healthcare facility, or physician practice at different per diem or other rates;
 - o. the identity of the patient's admitting physician and, if different, the identity of the treating physician;
 - p. the amount of any reimbursement by the Company to any physicians, separately from any reimbursement to the hospital, healthcare facility, or physician practice for any physician services associated with the admission or treatment, or for any services associated with covered treatments or diagnoses identified in Specification 5(m); and
 - q. the patient's status (*e.g.*, normal discharge, deceased, transferred to another hospital, etc.) upon discharge.
7. Describe, for each health insurance product (such as HMO, POS, PPO, etc.) offered by the Company in the relevant area since January 1, 2004:
- a. the name of the plan as it is referred to in the Company's claims data provided in response to Specification 5;
 - b. the number of covered lives in the plan, stated by county, if possible;
 - c. the counties in which the plan is offered;

- d. the hospitals and physicians that are included in the plan or are preferred providers in the plan (if the plan is tiered, describe the hospitals and physicians in each tier); and, for each physician, the physician's specialty, employer, and affiliated hospital; and
- e. the services or procedures covered by the plan and, for each service or procedure:
 - (i) all deductibles, co-pays, or co-insurance that apply and how these differ across tiers or between preferred and non-preferred providers; and
 - (ii) any other inducements offered to plan patients to use certain providers.

The document designated as Exhibit No: PX02080 is a signed declaration from the Director of Hospital Contracting and Policy for BCBSM and contains highly confidential and commercially sensitive business information regarding BCBSM's contractual relationship with Spectrum Health Systems. (**Exhibit C**). The declaration describes the history of BCBSM's contractual relationship with Spectrum Health Systems to the present, and discloses highly confidential pricing and reimbursement rate information for Spectrum Health Systems relative to BCBSM and its present competitors.

B. BCBSM Has Preserved the Secrecy and Confidentiality of the Documents and Data in Exhibit Nos. PX01807 and PX02080

BCBSM has taken substantial measures to guard the secrecy of the information contained in Exhibit Nos. PX01807 and PX02080, limiting dissemination of such information and taking every reasonable step to protect its confidentiality. (Ex. A, ¶ 4). Indeed, such information is disclosed only to particular employees of BCBSM. *Id.* The database and the information contained therein is not made available to the public in any way. *Id.* It would be virtually impossible for BCBSM's competitors or other outside persons to access or recreate the information in the documents at issue. *Id.* Even within BCBSM, the database is secured and

access is highly restricted only to those employees whose job classification requires access to the database, and employee access is further limited to only that information in the database that is necessary to perform that employee's job function. *Id.* BCBSM employees must specifically request and be granted access to information in the database that is relevant to their job classifications. *Id.* Unauthorized access to information in the database is strictly prohibited by BCBSM. Moreover, as a matter of both internal policy and its contractual obligation under its Participating Hospital Agreements, BCBSM does not make this database information or data regarding specific hospitals available to any other hospitals, entities, or individuals other than as required by law. *Id.* In sum, these efforts demonstrate that BCBSM has gone to great lengths to preserve the confidentiality of the information contained in Exhibit No. PX01807.

Likewise, BCBSM is contractually obligated to maintain the confidentiality of the commercially sensitive business information contained in Exhibit No: PX02080 regarding its contractual arrangements with specific hospitals, including Spectrum Health Systems. *Id.*

C. The Information in Exhibit Nos. PX01807 and PX02080 is Sufficiently Material Such That its Disclosure Would Result in Serious Competitive Injury to BCBSM

The data compiled in Exhibit No. PX01807 contains patients' personal, private health information that is highly confidential and that BCBSM is otherwise prohibited from disclosing under applicable state and federal laws, including HIPAA. Ex. A, ¶ 3. Among the data fields included in the electronic files produced for each inpatient admission or outpatient treatment episode are the unique patient identifiers, zip code, age, and gender of each patient. *Id.* Publically disseminating the information contained in Exhibit PX01807 would compromise the sensitive personal health information of thousands of individual patients and BCBSM clients. *Id.*

The data compiled in Exhibit No. PX01807 is also sufficiently material to BCBSM's business that disclosure would result in serious competitive injury. *Id.* at ¶ 5. Making public

these documents containing claims data information would disclose to BCBSM's competitors the financial details of BCBSM's highly confidential contractual relationships and reimbursement arrangements carefully negotiated with each participating hospital in its network, and would, in turn, result in serious and significant competitive injury and potential irreparable harm. *Id.* Should other commercial or non-profit health carriers or health maintenance organizations become aware of BCBSM's reimbursement arrangements and methodologies with Michigan hospitals, the effect would be an erosion of BCBSM's competitiveness in the market place. *Id.* This, in turn, would result in an increase in the overall hospital reimbursement payments by BCBSM to participating Michigan hospitals and would result in increased premiums to BCBSM's incurred customers as well as increased administrative fees to BCBSM's self-funded customers. *Id.* It would also interfere with the ability of BCBSM to negotiate and offer quality, affordable health care as required under its statutory mandate. *Id.*

Likewise, the highly confidential pricing and reimbursement rate information for Spectrum Health Systems relative to BCBSM and its present competitors set forth in Exhibit No: PX02080 is material to BCBSM's business. *Id.*, at ¶ 6. BCBSM has maintained market competitiveness in its relationships with Michigan hospitals by confidentially negotiating pricing and reimbursement rates. *Id.* Disclosure of such information would equip BCBSM's competitors with information regarding BCBSM's contractual relationship with Spectrum Health to BCBSM's competitive disadvantage. *Id.*

These prospective pecuniary losses qualify as the "clearly defined, serious injury" required to demonstrate a need for *in camera* treatment. "The likely loss of business advantages is a good example of a 'clearly defined serious injury.'" *In re Dura Lube Corp.*, 1999 FTC LEXIS 255, at *7 (Dec. 23, 1999). Materials that "represent significant work product, compiled

at great expense, [and the] disclosure of which would give other companies the benefit of [the applicant's] labors" are good candidates for *in camera* treatment. *In re General Foods*, 1980 FTC LEXIS 99, at *7-8 (March 10, 1980).

D. The Public Interest in Disclosure of Exhibit Nos. PX01807 and PX02080 is Outweighed by the Likelihood of Serious Competitive Harm to BCBSM

As a non-party requesting *in camera* treatment for its confidential business information, BCBSM justifiably requires and merits receiving "special solicitude." *In the Matter of Kaiser Aluminum & Chemical Corporation*, 103 F.T.C. 500 (1984) (order directing *in camera* treatment for sales statistics over five years old). *In camera* treatment encourages non-parties to cooperate with future discovery requests in adjudicative proceedings. *Id.* BCBSM has cooperated with the discovery demands in this case. Conversely, disclosing documents containing BCBSM's highly confidential information will not materially promote the resolution of this matter, nor will these documents lend measureable public understanding of these proceedings. The balance of interests clearly favors *in camera* protection for Exhibit Nos. PX01807 and PX02080. *See In re Bristol-Myers*, 90 F.T.C. at 456 (describing six-factor test for determining secrecy and materiality).

E. Protection for Exhibit Nos. PX01807 and PX02080 Should be Extended Indefinitely

The nature of the highly confidential information contained in Exhibit Nos. PX01807 and PX02080 warrants indefinite *in camera* treatment. First, under 16 C.F.R. § 3.45(b), "sensitive personal information...shall be accorded permanent *in camera* treatment unless disclosure or an expiration date is required or provided by law." "Sensitive personal information" includes, by definition, "any sensitive health information identifiable by individual, such as an individual's medical records." *Id.* The data in Exhibit No: PX01807 contains personal health information otherwise protected by HIPAA that includes unique patient identifiers, zip code, age, and gender

of each patient. The presence of this information warrants indefinite *in camera* treatment of these documents.

Second, indefinite *in camera* treatment may be granted where the competitive sensitivity or the proprietary value of the information will not diminish with the passage of time. *In re Coca Cola Co.*, 1990 FTC LEXIS 364 (Oct. 17, 1990). Unlike ordinary business records, such as business plans, marketing plans, or sales documents, which often receive *in camera* treatment for shortened periods of time, the reimbursement rate and payment information set forth in Exhibit Nos. PX01807 and PX02080 are extremely sensitive and of such enduring significant proprietary value to BCBSM's competitive position and business strategy that their value will not diminish with the passage of time. Accordingly, BCBSM respectfully requests that Exhibit Nos. PX01807 and PX02080 be afforded indefinite *in camera* protection.

IV. CONCLUSION

Under the Federal Trade Commission's Rules of Practice and relevant FTC precedent, indefinite *in camera* treatment of the documents in Exhibit No. PX01807 and Exhibit No: PX02080 is warranted. These documents are both secret and material to BCBSM's business. Moreover, Exhibit No: PX01807 contains personal health information belonging to thousands of

BCBSM clients. Accordingly, this Court should extend indefinite *in camera* protection to these confidential documents.

Respectfully submitted,



By: _____
Frank A. Hamidi (MI Bar # P57713)
Michael D. Bossenbroek (MI Bar # P69008)
DICKINSON WRIGHT PLLC
500 Woodward Ave, Suite 4000
Detroit, MI 48226
Tel. (313) 223-3500
Fax (313) 223-3598
fhamidi@dickinsonwright.com
mbossenbroek@dickinsonwright.com

Robert J. Wagman, Jr. (D.C. Bar #
468926)
DICKINSON WRIGHT PLLC
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006
rwagman@dickinsonwright.com

Laurine S. Parmely (MI Bar # P39491)
Office of the General Counsel
Blue Cross Blue Shield of Michigan
600 E. Lafayette Blvd
Mc 1922
Detroit, MI 48226
Tel. (313) 225-8507
Fax (313) 225-6702
lparmely@bcbsm.com

***Attorneys for Non-Party Blue Cross Blue
Shield of Michigan***

Dated: May 5, 2011

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of
ProMedica Health System, Inc.,
Respondent,

DOCKET NO. 9346

Chief Administrative Law Judge
D. Michael Chappell

PROPOSED ORDER

On May 5, 2011, Non-Party Blue Cross Blue Shield of Michigan (“BCBSM”) filed a Motion for *In Camera* Treatment of Proposed Evidence containing confidential business information and personal health information in various documents that have been identified by Complaint Counsel as potential trial exhibits.

IT IS HEREBY ORDERED that BCBSM’s Motion is GRANTED. The BCBSM documents designated by Complaint Counsel as Exhibit Nos. PX01807 and PX02080 will be subject to *in camera* treatment under 16 C.F.R. § 3.45 and indefinitely will be kept confidential and not placed on the public record of this proceeding or at any point thereafter.

IT IS FURTHER ORDERED that only authorized Federal Trade Commission personnel, and court personnel concerned with judicial review may have access to the above-referenced information, provided that I, the Commission, and reviewing courts may disclose such *in camera* information to the extent necessary for the proper disposition of the proceeding.

ORDERED: _____
D. Michael Chappell
Chief Administrative Law Judge

DATED: _____

EXHIBIT A

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

ProMedica Health System, Inc.,

Respondent,

DOCKET NO. 9346

Chief Administrative Law Judge
D. Michael Chappell

DECLARATION OF KIM SORGET

After having been duly sworn, Kim Sorget declares as follows:

1. I am currently Vice President of Provider Contracting and Network Administration for Blue Cross Blue Shield of Michigan ("BCBSM"), which responded to a Civil Investigation Demand ("CID") and third-party subpoena *duces tecum* issued by Complaint Counsel in the captioned case. In my role as Vice President of Provider Contracting and Network Administration, I manage BCBSM's provider networks, including contractual relationships with participating hospitals throughout the State of Michigan. Consequently, I am familiar with the claims data and highly confidential information that BCBSM maintains in the course of administering these contractual relationships.

2. By virtue of my current position with BCBSM, I am also familiar with the type of highly confidential information contained in the documents at issue for which BCBSM seeks *in camera* treatment ("Documents"). Based on my knowledge and familiarity with the Documents and BCBSM's business practices, designed to protect and maintain the integrity and confidentiality of the information contained in the Documents, I believe that disclosure of these documents to the public and to competitors of BCBSM would: (1) compromise the privacy of

BCBSM's clients by disclosing their sensitive and personal health information and (2) cause serious competitive injury to BCBSM.

3. "Exhibit PX01807" contains a compilation of BCBSM and Blue Care Network ("BCN") claims data and health insurance product information drawn from a database maintained by BCBSM during the relevant time period from 2004 to the present. This data is responsive to the specific categories of information sought by Complaint Counsel in the CID and subpoena served on BCBSM. Among the data fields included in the electronic files produced for each inpatient admission or outpatient treatment episode are the unique patient identifiers, zip code, age, and gender of each patient. The data also details the nature of the services provided by the listed hospital, the amount charged, and the amount paid for the services performed. "Exhibit PX01807" contains patients' personal, private health information that is highly confidential and that BCBSM is otherwise prohibited from disclosing under applicable state and federal laws. Publically disseminating the information contained in "Exhibit PX01807" would compromise the sensitive personal health information of thousands of individual patients.

4. The data files produced by BCBSM contain information drawn from a substantial claims database maintained by BCBSM. The database and the information contained therein is not made available to the public in any way. It would be virtually impossible for BCBSM's competitors or other outside persons to access or recreate the information in the documents at issue. Even within BCBSM, the database is secured and access is highly restricted only to those employees whose job classification requires access to the database, and employee access is further limited to only that information in the database that is necessary to perform that employee's job function. BCBSM employees must specifically request and be granted access to information in the database that is relevant to their job classifications. Unauthorized access to

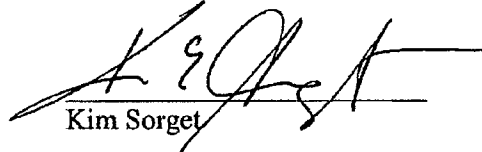
information in the database is strictly prohibited by BCBSM. Moreover, as a matter of both internal policy and its contractual obligation under its Participating Hospital Agreements, BCBSM does not make this database information or data regarding specific hospitals available to any other hospitals, entities, or individuals other than as required by law.

5. Making public these documents containing claims data information would disclose to BCBSM's competitors the financial details of BCBSM's highly confidential contractual relationships and reimbursement arrangements carefully negotiated with each participating hospital in its network, and would, in turn, result in serious and significant competitive injury and potential irreparable harm. Should other commercial or non-profit health carriers or health maintenance organizations become aware of BCBSM's reimbursement arrangements and methodologies with Michigan hospitals, the effect would be an erosion of BCBSM's competitiveness in the market place . This, in turn, would result in an increase in the overall hospital reimbursement payments by BCBSM to participating Michigan hospitals and would result in increased premiums to BCBSM's incurred customers as well as increased administrative fees to BCBSM's self-funded customers. It would also interfere with the ability of BCBSM to negotiate and offer quality, affordable health care as required under its statutory mandate.

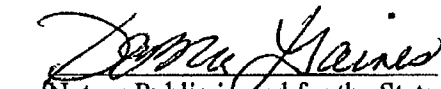
6. "Exhibit PX02080," is a signed declaration from the Director of Hospital Contracting and Policy for BCBSM and contains highly confidential and commercially sensitive business information regarding BCBSM's contractual relationship with Spectrum Health Systems. The declaration discloses highly confidential pricing and reimbursement rate information for Spectrum Health Systems relative to BCBSM and its present competitors.

Disclosure of such information would equip BCBSM's competitors with information regarding BCBSM's contractual relationship with Spectrum Health to BCBSM's competitive disadvantage.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 4TH day of May, 2011, in Michigan.


Kim Sorget

SUBSCRIBED AND SWORN TO before me by the said _____ on the 4th day of May, 2011.


Notary Public in and for the State of Michigan
DEBRA GAINES
Printed Name

My Commission Expires:

Sept 14, 2012

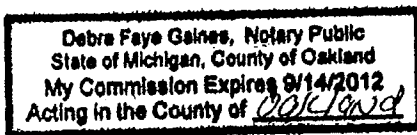


EXHIBIT B
(Redacted)

EXHIBIT C
(Redacted)

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

ProMedica Health System, Inc.,

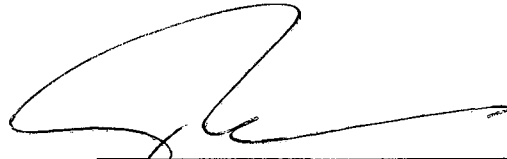
Respondent,

DOCKET NO. 9346

Chief Administrative Law Judge
D. Michael Chappell

CERTIFICATE OF VERIFICATION OF WORD COUNT

I HEREBY CERTIFY that Non-Party Blue Cross Blue Shield of Michigan's Motion for *In Camera* Treatment of Proposed Evidence does not exceed the 10,000 word count per 16 CFR § 3.22(c).



Robert J. Wagman, Jr.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

ProMedica Health System, Inc.,

Respondent,

DOCKET NO. 9346

Chief Administrative Law Judge

D. Michael Chappell

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the foregoing instrument was served on the following on May 5, 2011.

Donald S. Clark
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW, H-135
Washington, DC 20580
dclark@ftc.gov

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

(Original and one copy of both public and in camera versions served via messenger, electronic copies served via e-mail (public version) and disk (in camera version))

(Two copies each of public and in camera versions served via messenger and e-mail)

Jeanne Liu
Attorney, Bureau of Competition
U.S. Federal Trade Commission
601 New Jersey Ave, NW
Washington, D.C. 20001
jliu@ftc.gov

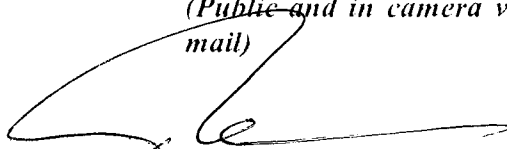
David Marx, Jr.
McDermott Will & Emery LLP
227 W. Monroe Street
Suite 4400
Chicago, IL 60606
dmarx@mwe.com

Complaint Counsel

(Public and in camera versions served via e-mail)

Counsel for Respondent ProMedica Health System, Inc.

(Public and in camera versions served via e-mail)



Robert J. Wagman, Jr.