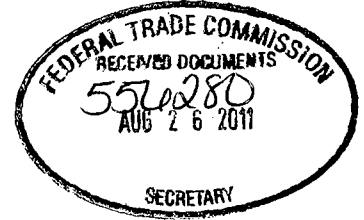


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)
)

ProMedica Health System, Inc.,)
Respondent.)

DOCKET NO. 9346

**ORDER GRANTING RESPONDENT'S SUPPLEMENTAL
MOTION FOR *IN CAMERA* TREATMENT**

I.

On August 24, 2011, Respondent ProMedica Health System, Inc. filed an Unopposed Supplemental Motion for *In Camera* Treatment of New Trial Exhibits ("Motion"). As set forth below, the Motion is GRANTED.

II.

Respondent states that over the course of the hearing, Complaint Counsel introduced into evidence additional exhibits. Respondent seeks *in camera* treatment for four of these exhibits. In addition, Respondent seeks *in camera* treatment for certain designations from the parties' expert witnesses' depositions. Respondent supports its Motion with the Declaration of Kathleen Hanley, Chief Financial Officer and Strategic Planning and Business Development Officer for ProMedica Health System and with the Declaration of Lori Johnston, Chief Financial Officer and Chief Operating Officer for St. Luke's Hospital ("St. Luke's").

The standards by which Respondent's Motion is evaluated are set forth in the May 13, 2011 Order on Respondent's Motion for *In Camera* Treatment. The exhibits for which Respondent seeks *in camera* treatment are competitively sensitive documents relating to payor contracting, St. Luke's financial status, and potential joinder efficiencies. The expert witness deposition designations that Respondent seeks to have shielded from public disclosure contain competitively sensitive information including specific contract provisions between hospitals and non-party payors, cost coverage ratios, billed charges and discharges, non-party information that has already been granted *in camera* treatment, specific dollar amounts charged for various services, sensitive financial data, and discussions of documents that were previously granted *in camera* treatment.

The declarations provided by Respondent in support of its Motion describe in detail the measures that Respondent has taken to protect the confidentiality of the documents for which it seeks *in camera* treatment and explain the competitive harm Respondent would suffer if such documents were made publicly available. Accordingly, Respondent has met its burden of demonstrating that the documents and expert deposition designations for which it seeks *in camera* treatment should be accorded such protection. For each of these documents, Respondent seeks *in camera* treatment for a period of three years.

III.

Respondent's Motion is GRANTED.

By Order dated May 25, 2011, Respondent's initial motion for *in camera* treatment was granted and exhibits listed therein were given *in camera* treatment for a period of three years, to expire on June 1, 2014. For administrative convenience, the expiration date of *in camera* treatment for exhibits granted *in camera* protection by this Order will also be June 1, 2014. Accordingly, *in camera* protection, to expire on June 1, 2014, is granted for the following exhibits: PX00257, PX00905, PX00915, PX00923, PX01950, PX01951, PX01954, RX-1, RX-2, and RX-6.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: August 26, 2011