

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 NON-PARTY AMBAC ASSURANCE
CORPORATION'S MOTION FOR *IN CAMERA*
TREATMENT OF HEARING TRANSCRIPT**

On September 2, 2011, pursuant to Rule 3.45(g) of the Commission's Rules of Practice, non-party Ambac Assurance Corporation ("Ambac") filed a motion seeking *in camera* treatment for certain portions of the transcript of the hearing testimony of Bruce Gordon, which was given in these proceedings on August 11, 2011 ("Gordon Testimony"). Ambac does not represent whether either party opposes the Motion. The deadline for filing any oppositions to Ambac's motion was September 14, 2011 and has now passed. For the reasons set forth below, Ambac's Motion is GRANTED.

By Order dated May 25, 2011, *in camera* treatment was previously provided to a number of Ambac's documents to be offered into evidence and to selected portions of the deposition transcript of its former employee, Bruce Gordon. Ambac now seeks *in camera* treatment for certain excerpts of the Gordon Testimony that were not provided *in camera* treatment at the time Mr. Gordon testified. In particular, Ambac seeks *in camera* treatment for the following excerpts, designated by page and line number: 6790:4-18; 6791:9-14; 6801:20-6805:21; 6850:8-6852:15; 6854:7-6855:19; 6856:13-6861:19; 6879:7-6883:10.

The standards by which Ambac's Motion is evaluated are set forth in the May 25, 2011 Order on Non-Parties' Motions for *In Camera* Treatment. Ambac supports its Motion with a declaration from its Managing Director of Health Care and Housing Portfolio Risk Management Group. This declaration describes in detail the measures that Ambac has taken to guard the secrecy of the information conveyed in the excerpts of the Gordon Testimony that are the subject of this Motion. Ambac also details the competitive harm it would suffer if this information was publicly disclosed. Accordingly, Ambac has met its burden of demonstrating that the information for which it seeks *in camera* treatment should be accorded such protection.

Ambac's Motion is GRANTED. The following portions of the Gordon Testimony shall be treated as *in camera*: 6790:4-18; 6791:9-14; 6801:20-6805:21; 6850:8-6852:15; 6854:7-6855:19; 6856:13-6861:19; 6879:7-6883:10.

By Order dated May 25, 2011, Ambac's initial motion for *in camera* treatment was granted and exhibits and deposition testimony from Mr. Gordon listed therein were given *in camera* treatment for a period of five years, to expire on June 1, 2016. For administrative convenience, the expiration date of *in camera* treatment for the Gordon Testimony granted *in camera* protection by this Order will also be June 1, 2016.

ORDERED:

DM Chappell
D. Michael Chappell
Chief Administrative Law Judge

Date: September 16, 2011