



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

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In the Matter of

Ardagh Group S.A.,  
a public limited liability company, and

Compagnie de Saint-Gobain, a corporation,  
and

Saint-Gobain Containers, Inc.,  
a corporation.

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DOCKET NO. 9356

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**NON-PARTY ABITA BREWING CO.'S MOTION  
FOR *IN CAMERA* TREATMENT OF PROPOSED EVIDENCE**

Pursuant to Rule 3.45 of the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.45(b), non-party Abita Brewing Company ("Abita") respectfully submits this motion for *in camera* treatment of certain competitively-sensitive, confidential business documents and certain deposition testimony regarding competitively-sensitive, confidential information. These documents were produced in response to third-party subpoenas in this matter, and the Federal Trade Commission ("FTC") and Ardagh Group, S.A., Compagnie de Saint-Gobain, and Saint-Gobain Containers, Inc. (collectively, "Respondents") have now notified Abita that they intend

to introduce the documents and deposition testimony that are the subject of this motion into evidence at the administrative trial in this matter. *See* Letter from the Federal Trade Commission dated November 19, 2013 (attached as Exhibit A); Letter from Counsel for Respondents, dated November 19, 2013 (attached as Exhibit B).

All of the materials that are the subject of this motion (and noting that not all the materials that the FTC and the Respondents seek to enter into evidence are the subject of this motion) are confidential business documents or deposition testimony regarding confidential business information, such that if they were to become part of the public record, Abita would be seriously harmed in its ability to obtain competitive pricing for its glass bottles and would further be harmed in its ability to compete in the marketplace. For reasons discussed in this motion, Abita requests that this Court afford its confidential business information *in camera* treatment for a period of ten years. In support of this motion, Abita relies on the Affidavit of David Blossman, attached as Exhibit C, which provides additional details on the documents and information for which Abita seeks *in camera* treatment.

**I. The Documents and Deposition Testimony for which Abita Seeks Protection**

Abita seeks *in camera* treatment for the following documents, copies of which are attached as Exhibit D.

Exhibit No.	Document Description	Date	Bates Nos.
PX4228	Detailed Summary of Abita's Container Purchases by Quarter from 2011-2013	N/A	ABITA000001
PX4236	Abita's Cost Savings Comparison & Summary for Proposals submitted by Saint-Gobain, Anchor and OI	N/A	ABITA000594

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PX4240	Abita's Glass Supply Agreement with Gamer Packaging (and email regarding the same)	March 20, 2012	ABITA000665-671
PX4253	OI's Bid Proposal to Supply Glass Bottles to Abita (and email regarding the same)	February 24, 2012	ABITA000803-808
PX4278	Abita's Draft Glass Purchase and Supply Agreement with Saint-Gobain (and email regarding the same)	July 10, 2012	ABITA002001-2040
PX4284	Abita's Executed Glass Purchase and Supply Agreement with Saint-Gobain (and email regarding the same)	August 6, 2012	ABITA002199-2234
PX4287	Saint-Gobain's Bid Proposal to Supply Glass Bottles to Abita (and email regarding the same)	June 18, 2012	ABITA002392-2448
PX4292	Email Communication between Abita and Saint-Gobain Regarding Predicted Glass Requirements in 2013 and 2014	May 29, 2013	ABITA002882
PX4305	Email Communication from Vitro to Abita Regarding Corrected Price Increase for Glass Bottles	December 29, 2011	ABITA004138-4139
PX4306	Email Communication from Vitro to Abita Regarding Price Increase for Glass Bottles	October 27, 2011	ABITA004198-4200
Paragraphs 6, 9 and 10 of PX5004	Declaration of David Blossman made pursuant to 28 U.S.C. § 1746 wherein paragraph 6 relates to Abita's profit margins on canned beer versus bottled beer; paragraph 9 relates to business strategies and decisions to utilize certain suppliers; and paragraph 10 relates to bid proposals submitted to Abita by glass suppliers.	April 23, 2013	N/A

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Abita also seeks *in camera* treatment for the following excerpts from the deposition testimony of David Blossman taken on August 15, 2013 (PX6017), copies of said excerpts are attached as Exhibit E.

Page and Line Numbers	Testimony Description
43:15-45:7	Testimony regarding cost and expense incurred by Abita in installing canning line.
45:24-46:7	Testimony regarding cost and expense incurred by Abita in installing canning line.
89:6-17	Testimony regarding Abita's profit margins on canned beer versus bottled beer.
96:12-97:1	Testimony regarding Abita's business strategies and decisions to utilize certain suppliers.
97:14-17	Testimony regarding Abita's business strategies and decisions to utilize certain suppliers.
148: 7-13	Testimony regarding confidential exhibit PX4287 (Saint-Gobain's Bid Proposal)
148:19-149:4	Testimony regarding confidential exhibit PX4253 (OI's Bid Proposal)
149:8	Testimony regarding confidential exhibit PX4253 (OI's Bid Proposal)
151:7-8	Testimony regarding confidential exhibit PX4236 (Abita's Cost Savings Comparison & Summary for Saint-Gobain, Anchor and OI)
151:14-153:24	Testimony regarding confidential exhibit PX4236 (Abita's Cost Savings Comparison & Summary for Saint-Gobain, Anchor and OI)
154:3	Testimony regarding confidential exhibit PX4236 (Abita's Cost Savings Comparison & Summary for Saint-Gobain, Anchor and OI)
158:12-20	Testimony regarding confidential exhibit PX4236 (Abita's Cost Savings Comparison & Summary for Saint-Gobain, Anchor and OI)
177:25-178:1	Testimony regarding confidential exhibit PX4292 (Email Communication between Abita and Saint-Gobain Regarding Predicted Glass Requirements in 2013 and 2014)
178:9-179:3	Testimony regarding confidential exhibit PX4292 (Email Communication between Abita and Saint-Gobain Regarding Predicted Glass Requirements in 2013 and 2014)
180:3-182:1	Testimony regarding confidential exhibit PX4305 (Email Communication from Vitro to Abita Regarding Corrected Price Increase for Glass Bottles)

**II. Abita's Documents are Secret and Material Such That Disclosure Would Result in Serious Injury**

Material may be given *in camera* treatment when its "public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting" such treatment. 16 C.F.R. § 3.45(b). The proponent of *in camera* treatment demonstrates serious injury by showing that the documents or information are secret and that they are material to the business. *In re Dura Lube Corp.*, Dkt. No. 9292, 199 FTC LEXIS 255, \*6 (December 23, 1999) (internal citations omitted). In considering both secrecy and materiality the following factors should be weighed: (1) the extent to which the information is known outside of the business; (2) the extent to which it is known by employees and others involved in the business; (3) the extent of measures taken to guard the secrecy of the information; (4) the value of the information to the business and its competitors; (5) the amount of effort or money expended in developing the information; and (6) the ease or difficulty with which the information could be acquired or duplicated by others. *Id.* at \*6-\*7 (citing *Bristol-Meyers Co.*, 90 F.T.C. 455,457 (1977)).

The documents and testimony at issue are both secret and material to Abita's business.<sup>1</sup> The documents and testimony at issue contain information of competitive significance to Abita, such as the terms and pricing negotiated with its glass suppliers and prospective glass suppliers, Abita's profit margins of its bottled and canned beer, the costs associated with Abita's installation of its innovation canning line, and Abita's business strategies regarding its decision to utilize certain suppliers. *See Blossman Dec.* at ¶¶ 4-7. Such information is not widely known outside of Abita, and specifically, not known to anyone besides David Blossman and the few key Abita personnel privy to this information. *See Blossman Dec.* at ¶3. Because only a few key Abita personnel are privy to the aforementioned documents, it would be extremely difficult, if

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<sup>1</sup> For a discussion of each document and deposition excerpt, *see* Declaration of David Blossman, President of Abita, attached as Exhibit C (hereinafter "Blossman Dec.").

not impossible for Abita's competitors or other suppliers to access or recreate the information contained in the documents. *Id.*

Further, when the documents were initially produced to the FTC and Respondents pursuant the compulsory subpoena, Abita took steps to maintain the confidentiality of said documents by designating the documents "Confidential" as per the Protective Order issued by the Court on July 9, 2013. *Id.* Additionally, when confidential information, including the aforementioned confidential documents, was discussed during David Blossman's deposition of August 15, 2013, counsel for Abita lodged objections to the public disclosure of said information and specifically identified the information as confidential on the record. *Id.* Clearly, the aforementioned documents and deposition excerpts are secret, and thus *in camera* treatment is appropriate.

Abita relies upon the highly negotiated pricing of its materials and equipment (including, specifically, the pricing of the glass bottles it procures from its suppliers and the cost of Abita's canning line) to remain competitive in the marketplace. *See Blossman Dec. at ¶¶ 4-7.* As such, the aforementioned documents and deposition excerpts are highly material, and the information would be extremely valuable to other potential glass suppliers and Abita's competitors as it would provide behind-the-scenes insight into Abita's sales, pricing, profit margins, business strategies and negotiation strategies, all of which are highly confidential and unavailable to the public. *Id.*

Clearly, the disclosure of the aforementioned information would likely result in the loss of a business advantage to Abita. *See In re Dura Lube Corp.*, 199 FTC LEXIS at \*7 ("The likely loss of business advantages is a good example of a 'clearly defined, serious injury.'"). For example, if third-party glass suppliers are able to view the terms and conditions of Abita's

current glass supply contracts, they could use that information to leverage better glass prices for themselves during future bid proposals and contract negotiations. *Id.* at ¶ 5. Furthermore, if Abita's competitors know the cost and business strategy decisions behind the implementation and installation of Abita's innovative canning line, they can then use that information to decide whether to also install a similar canning line and to also obtain a better price for the installation, thus injuring Abita's ability to compete in the marketplace. *Id.* Moreover, if competitors or certain glass suppliers knew Abita's strategic business decisions and reasons for choosing certain glass suppliers, it would likely harm Abita in its future glass supply negotiations and in the marketplace. *Id.*

Finally, Abita's status as a third-party is relevant to the treatment of its documents and deposition excerpts. The Commission has held that "[t]here can be no question that the confidential records of businesses involved in Commission proceedings should be protected insofar as possible." *H.P. Hood & Sons*, Dkt. No. 7709, 1961 FTC LEXIS 368, \*4-5 (Mar. 14, 1961). This is especially so in the case of a third-party, which deserves "special solitude" in its request for *in camera* treatment for its confidential business information. *See In re Kaiser Aluminum & Chem. Corp.*, Dkt. No. 9080, 1984 FTC LEXIS 60, \*2-3 (May 25, 1984) ("As a policy matter, extensions of confidential information or *in camera* treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery request."). Abita's third-party status therefore weighs in favor of granting *in camera* status to its documents.

### **III. Protection for the Confidential Documents Warrants Protection for Ten Years**

The aforementioned information contains core business information, supplier information, pricing, cost and profit margin information, business strategies and negotiating

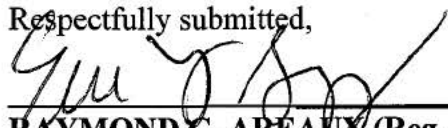
PUBLIC VERSION

strategies that are vital to Abita's competitive position. As described further in the Declaration of David Blossman, in order to protect Abita's competitive position in future negotiations with its glass suppliers, Abita respectfully requests that the identified documents and deposition excerpts be afforded in camera protection for a period of ten years. *Id.* at ¶ 8.

**IV. Conclusion**

For the reasons set forth above and in the Declaration of David Blossman, Abita respectfully requests that this court grant *in camera* treatment for a period of ten years for the documents and deposition excerpts identified herein.

Respectfully submitted,



**RAYMOND G. AREAUX (Reg. #33,643)**

**EMILY L. GORDY (Reg. #66,917)**

*Carver, Darden, Koretzky, Tessier,*

*Finn, Blossman & Areaux, L.L.C.*

1100 Poydras Street, Suite 3100

New Orleans, Louisiana 70163

Telephone: 504-585-3821

Facsimile: 504-585-3801

E-mail: [areaux@carverdarden.com](mailto:areaux@carverdarden.com)

*Attorneys for Abita Brewing Company*



**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2013 the foregoing document was served on the following in the manner indicated:

**VIA FEDERAL EXPRESS – Original, one copy and electronic copy**

Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Room H-135  
Washington, D.C. 20580

**VIA FEDERAL EXPRESS – One copy and electronic copy**

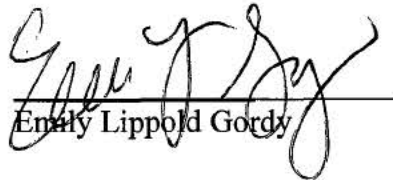
The Honorable D. Michael Chappell  
Chief Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave, N.W.  
Room H-110  
Washington, D.C. 20580

**VIA ELECTRONIC MAIL – Electronic copy**

Mark Lanpher  
Shearman & Sterling LLP  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Mark.Lanpher@shearman.com

**VIA ELECTRONIC MAIL – Electronic copy**

James Abell  
Bureau of Competition  
Federal Trade Commission  
601 New Jersey Ave, N.W.  
Washington, D.C. 20001  
jabell@FTC.gov

  
Emily Lippold Gordy

PUBLIC VERSION

**EXHIBIT A**  
**LETTER FROM THE FEDERAL TRADE COMMISSION**  
**DATED NOVEMBER 19, 2013**



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

BUREAU OF COMPETITION  
MERGERS II DIVISION

November 19, 2013

James Abell  
Bureau of Competition  
Federal Trade Commission  
601 New Jersey Ave, N.W.  
Washington, DC 20001  
(202) 326-2289  
jabell@FTC.gov

**Via Federal Express**

Emily Lippold Gordy, Esq.  
Carver Darden LLC  
1100 Poydras Street, Suite 3100  
New Orleans, LA 70163

RE: *In the Matter of Ardagh Group S.A., and Saint-Gobain Containers, Inc., and Compagnie de Saint Gobain*, Docket No. 9356

Dear Ms. Gordy:

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 intends to offer the documents and testimony referenced in the enclosed Attachments A and B into evidence in the administrative trial in the above-captioned matter. Please note that the list of deposition designations in Attachment B does not include any of Complaint Counsel's counter-designations, if any, which are not due until November 25, 2013.

The administrative trial is scheduled to begin on December 19, 2013. All exhibits admitted into evidence become part of the public record unless Administrative Law Judge D. Michael Chappell grants *in camera* status.

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 and 4.10(g). Because counter-

designations are not yet due, this includes all passages of deposition testimony that warrant *in camera* treatment, whether or not Complaint Counsel has designated those passages. 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.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict 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); and *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).

Please be aware that under the current scheduling order, the deadline for filing motions seeking *in camera* status is November 26, 2013.

Additionally, in lieu of a deposition on the admissibility of the documents listed in Attachment A, we ask that you sign and return the attached declaration regarding the admissibility of these documents. Please return the signed declaration to my attention by December 3, 2013, if possible, as a scanned .pdf attached to an e-mail.

If you have any questions, please feel free to contact me at (202) 326-2289.

Sincerely,



James Abell  
Counsel Supporting the Complaint

Attachments

**ATTACHMENT A**

Exhibit Number	Date	BegBates	EndBates	Document Description
PX4228	N/A	ABITA000001	ABITA000001	Abita Sales Figures
PX4236	N/A	ABITA000594	ABITA000594	Abita Cost Savings for Saint-Gobain, Anchor, and OI
PX4240	3/20/2012	ABITA000665	ABITA000671	E-mail from Kathy Brannock to David Blossman, Kenny Gamer, Bob Richey, et al. re: Abita Custom Glass Proposal w/ Attach: Abita Glass Proposal 03.19.12.doc, Abita - Beer&Soda Bottle Project Update March 12,2012.xls, Abita 12 oz custom bottle.pdf, Cost PAF Index DRAFT - for New Contracts 1-23-12.pdf, Department of Energy Fuel Surcharges.pdf, Abita Contract Addendum #1 - References - Plant Investments - Pallet Quality - PAF Information and Pry Off Finish Improvement (3).doc
PX4253	2/4/2012	ABITA000803	ABITA000808	E-mail from robert.pigott@o-i.com to David Blossman re: OI Bid (Confidential) w/ Attach: Abita Brewing Company Bid Proposal_2-24-2012.doc, Std PAF Structure Exhibit B.pdf, Std NG Table 2012.pdf, 2012 Diesel Table.pdf
PX4260	5/28/2011	ABITA001045	ABITA001045	E-mail from Jack Harr to David Blossman re: Can Line
PX4275	10/5/2012	ABITA001648	ABITA001650	E-mail from Jack Harr to Chris Bourgeois, Mark Wilson, David Blossman, et al. re: Abita test loads
PX4278	7/10/2012	ABITA002001	ABITA002040	E-mail from David Holloway to Jack Harr, david@abita.com, and Clint Gawart re: Abita Brewing Contract Proposal w/ Attach: Abita Brewing Co - Final - 7-9-12.doc.zip, Abita Brewing - CPT - 7-9-12.docx.zip, Abita Brewing - Mfr.Perf.Stds. - 6-13-12.docx.zi
PX4284	8/6/2012	ABITA002199	ABITA002234	E-mail from Jack Harr to David Blossman re: Abita Brewing Contract w/ Attach: Abita Brewing Co five year agreement 10-1-12 thru 09-30-17.pdf.zip
PX4287	6/18/2012	ABITA002392	ABITA002448	E-mail from Jack Harr to David Blossman re: Abita Brewing Co. Contract Proposal w/ Attach: Abita Brewing Co - Redlined - Dated 6-13-12.doc.zip, Abita Brewing Co - Final - Dated 6-13-12.doc.zip, Abita Brewing - CPT - 6-13-12.pdf.zip, Abita Brewing - Mfr. Perf. Stds. - 6-13-12.pdf.zip
PX4288	3/7/2011	ABITA002550	ABITA002550	E-mail from David Blossman to Jack Harr re: No Subject
PX4292	5/29/2013	ABITA002882	ABITA002882	E-mail from David Blossman to Jack Harr re: Guess
PX4305	12/29/2011	ABITA004138	ABITA004140	E-mail from Neil Wooddall to David Blossman and Bryant Hauck re: Price Increase w/ Attach: OI Announcement 10-1-2011.pdf
PX4306	10/27/2011	ABITA004198	ABITA004200	E-mail from Neil Wooddall to David Blossman and Bryant Hauck re: Price Increase w/ Attach: Vitro - 12.1.11 Price Increase.docx. OI Increase ltr 10-08.pdf
PX5007	4/23/2013	N/A	N/A	Declaration: David Blossman (Abita Brewing Co.)
PX6017	8/15/2013	N/A	N/A	RESERVED for Designated Deposition Transcript of David Blossman (Abita Brewing Co.)

## ATTACHMENT B

Name: Blossman, David  
Company: Abita Brewing Company  
Date & Type: 8/15/2013 Deposition (PX6017)

8:1 - 4  
15:3 - 18  
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51:2 - 5  
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62:14 - 23  
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## ATTACHMENT B

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173:10 - 23  
174:3 - 176:4  
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176:11 - 13  
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178:9 - 179:3  
180:3 - 182:1



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

In the Matter of

Ardagh Group S.A.,  
a public limited liability company, and

Compagnie de Saint-Gobain, a corporation,  
and

Saint-Gobain Containers, Inc.,  
a corporation.

DOCKET NO. 9356

**DECLARATION**

I, \_\_\_\_\_, pursuant to 28 U.S.C. § 1746, make the following statement:

1. I am an employee of Abita Brewing Company LLC. I have personal knowledge of the facts set forth in this declaration, and if called as a witness I could and would testify competently under oath to such facts.
2. I have reviewed the documents referenced in Attachment A to this Declaration, which have been identified by Complaint Counsel with PX numbers for use as exhibits in the above-captioned matter.
3. I hereby certify that each document referenced in Attachment A herein: (a) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters; (b) was kept in the course of regularly

conducted activity; and (c) was made by the regularly conducted activity as a regular practice.

Pursuant to 28 U.S.C. § 1746, I declare, under the penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
Name:  
Title:

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**EXHIBIT B**  
**LETTER FROM COUNSEL FOR RESPONDENTS**  
**DATED NOVEMBER 19, 2013**

# SHEARMAN & STERLING LLP

801 PENNSYLVANIA AVENUE, NW | WASHINGTON, DC | 20004-2634

WWW.SHEARMAN.COM | T +1.202.508.8000 | F +1.202.508.8100

mark.lanpher@shearman.com  
202.508.8120

November 19, 2013

## CONFIDENTIAL

Via Email and U.S. Mail

Emily Lippold Gordy  
Carver, Darden, Koretzky, Tessier, Finn, Blossman & Areaux, LLC  
Energy Centre, Suite 3100  
1100 Poydras Street  
New Orleans, Louisiana 70163

Re: In the Matter of Ardagh Group S.A. et al., Docket No. 9356 (F.T.C.)

Dear Ms. Gordy,

Pursuant to Paragraph 10 of the Protective Order in the above-referenced matter (enclosed), the Scheduling Order in the above-referenced matter, and 16 C.F.R. § 3.45 (enclosed), this letter is providing notice to Abita Brewing Company, LLC that Respondents Ardagh Group S.A., Compagnie de Saint-Gobain, and Saint-Gobain Containers plan to introduce confidential material produced by Abita Brewing Company, LLC into evidence at the Commission's hearing in the above-referenced matter, scheduled to commence on December 19, 2013.

Respondents intend to introduce into evidence the following confidential material produced by Abita Brewing Company, LLC in the above-referenced matter or *FTC v. Ardagh Group S.A., et al.*, No. 13-cv-1021 (BJR) (D.D.C.):

- Transcript excerpts of the oral deposition of David Blossman, taken on August 15, 2013
- Document with bates range ABITA002550 – ABITA002550

Pursuant to the Scheduling Order, a party may file a motion for *in camera* treatment of its confidential material with the Administrative Law Judge by November 26, 2013. The strict standard for motions for *in camera* treatment of confidential material is set forth in 16 C.F.R. § 3.45, and is 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) and 2000 FTC LEXIS 138 (Sept. 19, 2000); *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan 25, 2006). Motions must be supported by a declaration or affidavit by a person qualified to explain the confidential nature

ABU DHABI | BEIJING | BRUSSELS | FRANKFURT | HONG KONG | LONDON | MILAN | NEW YORK | PALO ALTO  
PARIS | ROME | SAN FRANCISCO | SÃO PAULO | SHANGHAI | SINGAPORE | TOKYO | TORONTO | WASHINGTON, DC

SHEARMAN & STERLING LLP IS A LIMITED LIABILITY PARTNERSHIP ORGANIZED IN THE UNITED STATES UNDER THE LAWS OF THE STATE OF DELAWARE, WHICH LAWS LIMIT THE PERSONAL LIABILITY OF PARTNERS.

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Emily Lippold Gordy  
Page 2

November 19, 2013

of the documents. *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). Each party or non-party that files a motion for *in camera* treatment shall provide one copy of the documents for which *in camera* treatment is sought to the Administrative Law Judge.

If you have any questions, please feel free to contact me at 202.508.8120.

Best regards,

/s/ Mark Lanpher  
Mark Lanpher

Enclosures: Protective Order for Docket No. 9356 (entered July 1, 2013); 16 C.F.R. § 3.45

PUBLIC VERSION

**EXHIBIT C**  
**MATERIAL REDACTED PURSUANT TO RULE 3.45(b) OF THE**  
**FEDERAL TRADE COMMISSION RULES OF PRACTICE,**  
**16 C.F.R. § 3.45(b)**

PUBLIC VERSION

**EXHIBIT D**  
**MATERIAL REDACTED PURSUANT TO RULE 3.45(b) OF THE**  
**FEDERAL TRADE COMMISSION RULES OF PRACTICE,**  
**16 C.F.R. § 3.45(b)**

PUBLIC VERSION

**EXHIBIT E**  
**MATERIAL REDACTED PURSUANT TO RULE 3.45(b) OF THE**  
**FEDERAL TRADE COMMISSION RULES OF PRACTICE,**  
**16 C.F.R. § 3.45(b)**

4819-2089-4743, v. 1



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

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**In the Matter of**

**Ardagh Group S.A.,  
a public limited liability company, and**

**Compagnie de Saint-Gobain, a corporation,  
and**

**Saint-Gobain Containers, Inc.,  
a corporation.**

**DOCKET NO. 9356**

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**PROPOSED ORDER**

Upon consideration of Abita Brewing Company's Motion for *In Camera* Treatment of Proposed Evidence, any opposition thereto and any hearing thereon

IT IS HEREBY ORDERED, the Abita Brewing Company's Motion for *In Camera* Treatment of Proposed Evidence is GRANTED;

IT IS FURTHER ORDERED, that pursuant to Rule 3.45(b) of the Federal Trade Commission Rules of Practice, 16 C.F.R. § 3.45(b), the following documents shall be subject to *in camera* treatment and will be kept confidential and not placed on the public records of this proceeding for ten years.

<b>Exhibit No.</b>	<b>Document Description</b>	<b>Date</b>	<b>Bates Nos.</b>
PX4228	Detailed Summary of Abita's Container Purchases by Quarter from 2011-2013	N/A	ABITA000001
PX4236	Abita's Cost Savings Comparison & Summary for Proposals submitted by Saint-Gobain, Anchor and OI	N/A	ABITA000594
PX4240	Abita's Glass Supply Agreement with Gamer Packaging (and email regarding the same)	March 20, 2012	ABITA000665-671
PX4253	OI's Bid Proposal to Supply Glass Bottles to Abita (and email regarding the same)	February 24, 2012	ABITA000803-808
PX4278	Abita's Draft Glass Purchase and Supply Agreement with Saint-Gobain (and email regarding the same)	July 10, 2012	ABITA002001-2040
PX4284	Abita's Executed Glass Purchase and Supply Agreement with Saint-Gobain (and email regarding the same)	August 6, 2012	ABITA002199-2234
PX4287	Saint-Gobain's Bid Proposal to Supply Glass Bottles to Abita (and email regarding the same)	June 18, 2012	ABITA002392-2448
PX4292	Email Communication between Abita and Saint-Gobain Regarding Predicted Glass Requirements in 2013 and 2014	May 29, 2013	ABITA002882
PX4305	Email Communication from Vitro to Abita Regarding Corrected Price Increase for Glass Bottles	December 29, 2011	ABITA004138-4139
PX4306	Email Communication from Vitro to Abita Regarding Price Increase for Glass Bottles	October 27, 2011	ABITA004198-4200

IT IS FURTHER ORDERED, that pursuant to Rule 3.45(b) of the Federal Trade Commission Rules of Practice, 16 C.F.R. § 3.45(b), the following excerpts from the deposition of David Blossman taken on August 15, 2013 in connection with this proceeding (PX6017) shall be subject to *in camera* treatment and will be kept confidential and not placed on the public records of this proceeding for ten years:

Page and Line Numbers	Testimony Description
43:15-45:7	Testimony regarding cost and expense incurred by Abita in installing canning line.
45:24-46:7	Testimony regarding cost and expense incurred by Abita in installing canning line.
89:6-17	Testimony regarding Abita's profit margins on canned beer versus bottled beer.
96:12-97:1	Testimony regarding Abita's business strategies and decisions to utilize certain suppliers.
97:14-17	Testimony regarding Abita's business strategies and decisions to utilize certain suppliers.
148: 7-13	Testimony regarding confidential exhibit PX4287 (Saint-Gobain's Bid Proposal)
148:19-149:4	Testimony regarding confidential exhibit PX4253 (OI's Bid Proposal)
149:8	Testimony regarding confidential exhibit PX4253 (OI's Bid Proposal)
151:7-8	Testimony regarding confidential exhibit PX4236 (Abita's Cost Savings Comparison & Summary for Saint-Gobain, Anchor and OI)
151:14-153:24	Testimony regarding confidential exhibit PX4236 (Abita's Cost Savings Comparison & Summary for Saint-Gobain, Anchor and OI)
154:3	Testimony regarding confidential exhibit PX4236 (Abita's Cost Savings Comparison & Summary for Saint-Gobain, Anchor and OI)
158:12-20	Testimony regarding confidential exhibit PX4236 (Abita's Cost Savings Comparison & Summary for Saint-Gobain, Anchor and OI)
177:25-178:1	Testimony regarding confidential exhibit PX4292 (Email Communication between Abita and Saint-Gobain Regarding Predicted Glass Requirements in 2013 and 2014)
178:9-179:3	Testimony regarding confidential exhibit PX4292 (Email Communication between Abita and Saint-Gobain Regarding Predicted Glass Requirements in 2013 and 2014)

Page and Line Numbers	Testimony Description
180:3-182:1	Testimony regarding confidential exhibit PX4305 (Email Communication from Vitro to Abita Regarding Corrected Price Increase for Glass Bottles)

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D. Michel Chappell  
Chief Administrative Law Judge

4845-8755-4583, v. 1