

ORIGINAL

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**



In the Matter of)
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Docket No. 9342

The Dun & Bradstreet Corporation

**JOINT SUBMISSION OF THE PARTIES REGARDING
RESPONDENT DUN & BRADSTREET'S JULY 1, 2010 MOTION
REGARDING COMPLAINT COUNSEL'S PRELIMINARY WITNESS LIST**

By Motion filed July 1, 2010 (the "Motion") Respondent The Dun & Bradstreet Corporation ("D&B") seeks the following relief with respect to Complaint Counsel's Preliminary Witness List, disclosed to D&B on June 20, 2010:

1. That the Court find that because Complaint Counsel has named sixty-four (64) witnesses in its Preliminary Witness List and for other reasons set forth below, Complaint Counsel has failed to satisfy its obligations under the Scheduling Order in this case and the applicable Rules, and that it be ordered to serve an amended list within three (3) business days; and

2. That the Court hold that Complaint Counsel has improperly designated the Preliminary Witness List as "confidential material" pursuant to the Protective Order Governing Discovery Material dated May 13, 2010 (the "Protective Order"), and further that D&B need not treat as confidential the text of the Preliminary Witness List in accordance with the terms of that order.

D&B advised the Court in that Motion that it was continuing to negotiate with Complaint Counsel regarding the terms of a possible resolution of the parties' dispute regarding Complaint Counsel's designation of its Preliminary Witness List as "confidential material." The parties hereby advise the Court they have negotiated a resolution of their dispute regarding the "confidential material" designation of the list (reflected in paragraph "2" above) upon the following terms:

1. D&B may disclose the identity of the MDR employees and their designated testimony topics to anyone, without limitation;

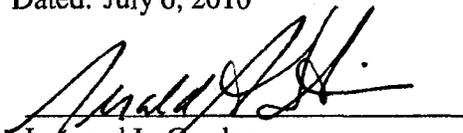
2. With respect to third-party witnesses identified in the list, D&B may disclose to those third-parties that they have been so identified, and it may disclose the identities and designated testimony topics to in-house counsel for D&B who are involved in the defense of this case, and to two businesspersons within D&B, whose identities shall be identified to Complaint Counsel at least one (1) day prior to the date of such disclosure; and

3. D&B shall maintain the confidentiality of the list in all other respects in accordance with the terms of the protective order entered in this case; and all individuals to whom disclosure is made as described in Paragraph 2 above shall receive a copy of the Protective Order entered in this case.

The parties therefore respectfully ask the Court to enter an order in accordance with the terms of the parties' agreement.

The parties have not reached a resolution of their other dispute relating to the Preliminary Witness List (reflected in paragraph "1" above).

Dated: July 6, 2010



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Complaint Counsel

Respectfully submitted,



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Counsel for Respondent

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**Docket No. 9342
PUBLIC DOCUMENT**

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2010, I filed by hand and electronic mail delivery an original and two copies of the foregoing *Joint Submission of the Parties Regarding Respondent Dun & Bradstreet's July 1, 2010 Motion Regarding Complaint Counsel's Preliminary Witness List* with:

Donald S. Clark, Secretary
The Office of the Secretary
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I hereby certify that on July 6, 2010, I served via electronic mail a copy of the foregoing *Joint Submission of the Parties Regarding Respondent Dun & Bradstreet's July 1, 2010 Motion Regarding Complaint Counsel's Preliminary Witness List* with:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
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Dated: July 6, 2010



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