

ORIGINAL



UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)
)
PROMEDICA HEALTH SYSTEM, INC.)
)
a corporation.)
)

Docket No. 9346

**RESPONDENT PROMEDICA HEALTH SYSTEM, INC.’S MOTION FOR
LEAVE TO FILE A SUPPLEMENTAL MOTION FOR *IN CAMERA*
TREATMENT OF CERTAIN TRIAL EXHIBITS**

Pursuant to Rule 3.45 of the Federal Trade Commission’s Rules of Adjudicative Practice, Respondent ProMedica Health System, Inc. (“ProMedica”) seeks leave to file a Supplemental Motion for *In Camera* Treatment of Certain Proposed Trial Exhibits.

On May 9, 2011, Complaint Counsel submitted its addendum to its final proposed exhibit list. This addendum contained 33 new documents, of which 26 were ProMedica or St. Luke’s Hospital (“St. Luke’s”) documents. Counsel for Respondent reviewed each of these and determined that seven warrant *in camera* treatment for reasons stated in Respondent’s Supplemental Motion for *In Camera* Treatment.

Additionally, Complaint Counsel submitted its expert rebuttal reports on Friday, May 6, 2011. In response to these reports, and pursuant to the scheduling order, Respondent submitted its revised and amended final proposed exhibit list on May 10, 2011. Respondent included one additional document that warrants *in camera* treatment for reasons stated in Respondent’s Supplemental Motion for *In Camera* Treatment.


Respondent could not have included the eight documents for which it now seeks to supplement its prior motion for *in camera* treatment in its original filing on May 5, 2011. Complaint Counsel did not disclose seven of these exhibits until after 6:00 p.m. on May 9, 2011.

Further, Respondent could not have anticipated the need for one until obtaining Complaint Counsel's expert rebuttal reports after 8:00 p.m. on Friday, May 6, 2011.

WHEREFORE, pursuant to 16 C.F.R. §3.45 and Paragraph 7 of the Scheduling Order, ProMedica respectfully moves for leave to file a supplemental motion for *in camera* treatment of eight new proposed exhibits listed in Table I and attached in Appendix A.

Dated: May 11, 2011

Respectfully submitted,



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*Attorneys for Respondent ProMedica
Health System, Inc.*

I, Christine Devlin, hereby certify that I served a true and correct copy of the foregoing Respondent's Motion for Leave to File Supplemental Motion for *In Camera* Treatment upon the following individuals by hand on May 11, 2011.

Hon. D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Room H110
Washington, DC 20580

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Room 172
Washington, DC 20580

I, Christine Devlin, hereby certify that I served a true and correct copy of the foregoing Respondent's Motion for Leave to File Supplemental Motion for *In Camera* Treatment upon the following individuals by electronic mail on May 11, 2011.

Matthew J. Reilly
Jeffrey H. Perry
Sara Y. Razi
Jeanne H. Liu
Alexis J. Gilman
Stephanie L. Reynolds
Janelle L. Filson
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Christine Devlin

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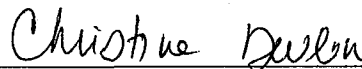
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STATEMENT REGARDING MEET AND CONFER

On May 11, 2011, Respondent's Counsel, Christine Devlin, conferred telephonically with Complaint Counsel, Jeanne Liu, regarding Respondent's Motion for Leave to File a Supplemental Motion for *In Camera* Treatment of Certain Trial Exhibits. Complaint Counsel indicated that do not oppose Respondent's motion.

Dated: May 11, 2011

Respectfully submitted,



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*Attorneys for Respondent ProMedica
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Docket No. 9346
PUBLIC

**[PROPOSED] ORDER GRANTING RESPONDENT'S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL MOTION FOR *IN CAMERA* TREATMENT OF TRIAL EXHIBITS**

Upon consideration of Respondent ProMedica Health System, Inc.'s Motion for Leave to File a Supplemental Motion for *In Camera* Treatment, that Motion is **GRANTED**.

Dated: May ___, 2011.

The Honorable D. Michael Chappell
Chief Administrative Law Judge