

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



In the Matter of)
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ProMedica Health System, Inc.)
a corporation.)
)
)
_____)

Docket No. 9346

COMPLAINT COUNSEL'S OPPOSITION TO
RESPONDENT'S RENEWED MOTION FOR *IN CAMERA*
TREATMENT OF TRIAL EXHIBITS

Respondent ProMedica Health System, Inc. ("ProMedica") has renewed its motion for *in camera* treatment of trial exhibits, having modestly reduced its proposed list of exhibits for *in camera* treatment to approximately 667 documents. Respondent continues to offer only cursory explanations of the competitive harm allegedly posed by these exhibits if they were to be placed on the public record, and still does not specify the pages or portions that contain purportedly confidential material. Many of these documents do not appear to contain sufficiently confidential or sensitive information to meet the strict standards under the case law. *See Polypore Int'l, Inc.*, D-9327, 2009 FTC LEXIS 256, at *2 (April 27, 2009).

Nonetheless, because of the short time remaining before the hearing, and to avoid burdening the Court with a detailed review of the exhibits on Respondent's proposed list, Complaint Counsel has narrowed its objections to 119 documents that fall into four categories:

- (1) documents older than three years;
- (2) documents relating to efficiencies arguments;
- (3) documents pertaining to quality issues; and

(4) documents reflecting St. Luke's analysis of potential partners other than ProMedica.¹

For the purpose of the hearing, Complaint Counsel has not opposed affording *in camera* treatment to documents discussing rates and negotiations with health plans, patient data, contracts with health plans (even those older than 3 years), and detailed financial information.²

ARGUMENT

1. *Documents Older Than Three Years*

As the Court noted in its Order on Respondent's Motion for In Camera Treatment ("Order"), documents older than three years are presumed to warrant disclosure. Order at 2. At least eight documents on Respondent's revised list are older than three years, but Respondent offers no detailed explanation of why they warrant exception to the presumption, other than to assert again that "they reflect ProMedica's and St. Luke's business strategies and can impact future negotiations [with] commercial health plans."³ There is nothing exceptional about the information contained in these eight documents, and they do not warrant *in camera* treatment.

2. *Documents Relating to Efficiencies Arguments*

Judge Katz's publicly-available Opinion and Order granting the preliminary injunction

¹ The 119 documents are listed in Attachment A.

² Although Complaint Counsel consents to *in camera* treatment of financial data for the purposes of Respondent's motion, it should be noted that Respondent itself has waged a public relations campaign to convince the public in Toledo that St. Luke's was in imminent danger of closing its doors prior to the Acquisition. *See, e.g.,* Jamie Black, *St. Luke's Must Merge or Die*, TOLEDO BLADE, February 6, 2011. The record does not support this claim. To the extent that Respondent continues to argue publicly – and incorrectly – that St. Luke's was in imminent danger of failing, Complaint Counsel reserves its right to later seek disclosure of the relevant evidence.

³ Five of the eight documents were listed by Respondent without a date. However, the contents of the exhibits make clear that these documents date from 2005 to early 2008. *See* PX00276; PX00412; PX01119; PX00212; PX00213.

in the related federal district court proceeding contained the details of Respondent's efficiencies arguments, including specific dollar figures and descriptions of the analysis performed by Respondent's consultant. See PX02152 (Findings of Fact and Conclusions of Law, *FTC and State of Ohio v. ProMedica Health Sys.*, 3:11-cv-47-DAK (N.D. Ohio)) at ¶¶ 238-283. As such, the content of the consultant's reports and many details contained in related documents pertaining to Respondent's efficiencies arguments already have been publicly-disclosed, and these documents do not warrant *in camera* treatment.⁴

3. Documents Relating to Quality Issues

In contrast to potentially sensitive documents that discuss rates, customers, or contract negotiations, documents discussing quality issues do not threaten a "clearly defined, serious injury" to Respondent. In fact, quality metrics are routinely reported publicly and available to both the public and to Respondent's competitors. And to the extent quality information is not already publicly reported, its disclosure clearly does not pose the kind of harm to competition or to Respondent contemplated by the case-law. See *H.P. Hood*, 58 F.T.C. 1184, 1188 (1961) (explaining that *in camera* treatment is appropriate for trade secrets such as "secret formulas, research or processes").⁵

⁴ Documents in this category do not include those that contain pricing or rate information.

⁵ Respondent's list is also inconsistent in ways that appear strategically calculated to seek *in camera* treatment for documents that undermine Respondent's arguments. For example, Respondent requested *in camera* treatment for emails reflecting that St. Luke's CEO Daniel Wakeman seriously disputed the accuracy of data reports generated by Respondent that purported to show that St. Luke's had the worst quality in the ProMedica system. See PX00529; PX00558; PX00559. But Respondent did not request *in camera* treatment for ProMedica CEO Randall Oostra's testimony regarding these very same data reports, where the objections of Mr. Wakeman are not noted. See PX01918 30:8-31:12.

4. *Documents Reflecting St. Luke's Analysis of Alternative Partners*

St. Luke's had opportunities to affiliate with local partners other than ProMedica, and engaged in extensive discussions with more than one of them. Several proposed exhibits reflect St. Luke's evaluation of these potential partners, and the advantages and disadvantages that each offered, including on issues such as bargaining leverage, costs to the community, and quality. This evidence is important to the public understanding of the case, in part because it demonstrates: (1) that St. Luke's chose ProMedica despite its assessment that other potential affiliations posed less competitive harm to the community; and (2) that St. Luke's chose ProMedica precisely *because* of the bargaining leverage and access to high managed care pricing that ProMedica offered.

Respondent seeks to afford these documents *in camera* treatment on the ground that they reflect the "internal assessment of competitor hospitals." However, although it may be embarrassing for St. Luke's internal views regarding its competitors (and potential partners) to be aired publicly, there is nothing about this information that threatens serious competitive injury. *See H.P. Hood*, 58 F.T.C. LEXIS at 1184 ("Quite clearly the mere embarrassment of the movant should not foreclose public disclosure. Nor should documents be sealed simply on the ground that they contain information which competitors for business reasons are extremely desirous to possess."). The documents simply reflect the competitive environment in Lucas County, including the relative strengths and weaknesses of the local hospital providers, from St. Luke's point of view.

CONCLUSION

For the foregoing reasons, Complaint Counsel respectfully requests that Respondent's motion be denied as to the 119 documents listed in Attachment A.

Respectfully submitted,

Dated: May 23, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2011, I caused copies of Complaint Counsel's Opposition to Respondent's Renewed Motion for *In Camera* Treatment of Trial Exhibits and the accompanying Proposed Order to be served on the following:

One electronic copy via the FTC E-Filing system to:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., N.W., Room H-159
Washington, DC 20580

One paper copy via hand delivery and one electronic copy via email to:

The Honorable D. Michael Chappell
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ATTACHMENT A

Attachment A to Complaint Counsel's Opposition to Respondent's Renewed Motion for *In Camera* Treatment of Trial Exhibits

RX Number	PX Number	Date	Description	Asserted <i>In Camera</i> Category	COMPLAINT COUNSEL OBJECTION
	PX00339	5/7/2008	E-mail to Oostra, and Hanley from Hammerling: re: FW: st luke meeting	Business record	More than three years old
	PX00385	1/15/2008	E-mail to Hanley and Wachsmann from Marcus: re: RE: Anthem Update; Additional Documents Follow	Business record	More than three years old
	PX00405	5/7/2008	Email to Hanley, Randolph, Oostra, et al. from Oostra: re: RE: st luke meeting	Business record	More than three years old
	PX00276	n/a	Managed Care Strategy- United, Aetna and Anthem	Business record	More than three years old (dates from 2005-6)
	PX00412	n/a	Anthem Network changes and leakage	Business record	More than three years old (dates from 2005-6)
	PX01119	n/a	Growth Pillar Update	Business record	More than three years old (dates from early 2008)
	PX00212	n/a	PHS Presentation: Property Development Strategy, Owned Property- Additional Development	Business record	More than three years old (dates from 2006)
	PX00213	n/a	PHS Presentation: Property Development Strategy Land Options	Business record	More than three years old (dates from 2006)
	PX00510	08/00/2009	Navigant Presentation: Evaluation of Potential Affiliation Partners, Discussion Document	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01016	12/15/2009	SLH Presentation: St. Luke's Hospital Board Meeting Affiliation Update, December 15, 2009	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01035	n/a	SLH Presentation: Affiliation Analysis Update, St. Luke's Board of Directors, October 30, 2009	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01064	8/20/2009	Scott's Notes from Meetings with ProMedica (August 20, 2009), Main discussion centered around Heart & Vascular Services	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01096	n/a	SLH Integration Decision Grid	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01112	n/a	SLH Integration Decision Grid	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01123	10/27/2009	SLH Presentation: Affiliation Continuum, Additional Documents Follow	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01124	10/20/2009	SLH Presentation: Affiliation Analysis Update (Draft) w/ Scott Rupley's handwritten notes	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01132	n/a	Internal Factor Evaluation, External Factor Evaluation, Competitive Profile Matrix, Additional Documents Follow	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01141	n/a	Chart analyzing potential partners	Business record	No competitively-sensitive information (Acquisition alternatives)

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	PX01172	8/28/2009	E-mail to Rupley, Rasch from Connell: re: Recommendation from August 26 Due Diligence Meeting w/ Scott Rupley's handwritten notes	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01232	8/5/2009	E-mail to Wakeman from Oppenlander: re: RE: discussion updates	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01251	n/a	St. Luke's Affiliation / Partner Ballot, Additional Documents Follow	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01321	12/6/2009	E-mail to Wakeman and Dewey from Oppenlander: re: RE: Preparations for Board Discussion on Dec. 15	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01332	n/a	Internal Factor Evaluation, External Factor Evaluation, Competitive Profile Matrix	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01338	9/24/2009	E-mail to Wakeman from Oppenlander: re: RE: update after last night's board meeting	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01354	12/31/2009	Press Ganey St. Luke's Hospital Inpatient Summary Report 10/1/2009-12/31/2009 w/ Doug Deacon's handwritten notes	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01390	8/10/2009	Framing the SLH Strategy Discussion for Dan Wakeman and the Board	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01430	8/26/2009	Notes from Due Diligence Meetings: Phase II (8-26-09)	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01470	11/16/2009	E-mail to Mattison from Wakeman: re: RE: UT Dept of Medicine	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01538	1/5/2010	Email to Bazeley and Wakeman from Gold: re: RE: St. Luke's Hospital and U of T	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01548	8/18/2009	Strategic Assessment of St. Luke's Hospital and Competing Hospitals	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01551	8/20/2009	Scott's Notes from Meetings with ProMedica (August 20, 2009), Main discussion centered around Heart & Vascular Services w/Scott Rupley's handwritten notes	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01560	8/27/2009	E-mail to Rasch from Rupley: re: Notes and Recommendation from August 16 Due Diligence Meeting w/Attach: DD Phase II Notes 08 26 09.doc	Business record	No competitively-sensitive information (Acquisition alternatives)
1737		8/20/2009	St. Luke's Notes from Meetings with ProMedica	Business record	No competitively-sensitive information (Acquisition alternatives)
694		8/3/2009	E-mail from Wakeman to SLH Board re: Mercy joint venture financial issues	Business record	No competitively-sensitive information (Acquisition alternatives)

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243		10/30/2009	Affiliation Analysis Update St. Luke's Board of Directors	Business record	No competitively-sensitive information (Acquisition alternatives)
246		n/a	Affiliation Analysis Update	Business record	No competitively-sensitive information (Acquisition alternatives)
884		11/11/2009	HealthCare Futures discussion summary re: SLH merger options	Business record	No competitively-sensitive information (Acquisition alternatives)
	PX01018	n/a	SLH Presentation: Options for St. Luke's	Business record	No competitively-sensitive information (Acquisition alternatives); quoted in PI Complaint
	PX01030	10/30/2009	SLH Presentation: Affiliation Analysis Update, St. Luke's Board of Directors, October 30, 2009	Business record	No competitively-sensitive information (Acquisition alternatives); quoted in PI Complaint
	PX01125	10/11/2009	E-mail to Machin and Wakeman from Black: re: Meeting with Promedica Leadership	Business record	No competitively-sensitive information (Acquisition alternatives); quoted in PI Complaint
	PX01130	8/26/2009	Notes from Due Diligence Meetings: Phase II (8-26-09)	Business record	No competitively-sensitive information (Acquisitional alternatives); quoted in PI Opinion
1772		8/18/2009	Strategic Assessment of St. Luke's Hospital and Competing Hospitals	Business record	No competitively-sensitive information (assessment of competitors)
	PX00446	3/23/2010	PHS Board of Trustees Clinical Quality Update presentation	Business record	No competitively-sensitive information (quality)
	PX00529	2/1/2011	E-mail to Hammerling, Steele, Johnston et al. from Wakeman: re: RE: SLH	Defensive strategy - Documents prepared in defense of FTC suit.	No competitively-sensitive information (quality)
	PX00531	2/1/2011	E-mail to Konwinski from Johnston: re: FW: SLH	Defensive strategy - Documents prepared in defense of FTC suit.	No competitively-sensitive information (quality)
643	PX00549	n/a	SLH Quality Monitors Report 2010	Business record	No competitively-sensitive information (quality)
	PX00556	2/1/2011	E-mail to Ball from Wakeman: re: FW: SLH w/Attach: CMS Attainment Model 1-31-2010.pdf	Business record	No competitively-sensitive information (quality)
	PX00558	2/1/2011	E-mail to Wakeman from Hammerling: re: RE: SLH	Business record	No competitively-sensitive information (quality)
	PX00559	2/1/2011	E-mail to Johnston, Konwinski, and Taylor from Wakeman: re: FW: SLH w/Attach: CMS Attainment Model 1-31-2010.pdf	Business record	No competitively-sensitive information (quality)
1654		5/20/2010	Critical Care & eICU Program Update, PHS Quality Committee, May 20, 2010	Business record	No competitively-sensitive information (quality)
1738		1/31/2011	Email from R. Reiter to R. Oostra regarding CMS Attainment Model	Business record	No competitively-sensitive information (quality)
1739		1/31/2010	CMS Attainment Model 1-31-2010	Business record	No competitively-sensitive information (quality)

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1757		5/20/2010	Critical Care & eICU Program Update, PHS Quality Committee, May 20, 2010	Business record	No competitively-sensitive information (quality)
1758		3/22/2011	ProMedica Board of Trustees Clinical Quality Update, March 22, 2011	Business record	No competitively-sensitive information (quality)
403		n/a	Balanced Report Card 1Q 2010 – 3Q 2010	Business record	No competitively-sensitive information (quality)
628		n/a	PHS CMS Quality Report Q1 – Q3 2010	Business record	No competitively-sensitive information (quality)
396		n/a	2010-12 PHS Quality Plan	Business record	No competitively-sensitive information (quality)
746		1/31/2011	E-mail from Lee Hammerling to Randy Oostra re quality measures	Defensive strategy - Documents prepared in defense of FTC suit.	No competitively-sensitive information (quality)
	PX00021	n/a	Compass Lexecon Presentation: Consolidation of Inpatient Rehabilitation Services, Additional Documents Follow	Business record	Relates to efficiencies
	PX00025	n/a	Compass Lexecon Presentation: Improved Staffing Efficiency at St. Luke's, Additional Documents Follow	Business record	Relates to efficiencies
	PX00025	n/a	Compass Lexecon Presentation: Improved Staffing Efficiency at St. Luke's, Additional Documents Follow	Business record	Relates to efficiencies
	PX00027	n/a	Compass Lexecon Presentation: Offsite Ancillary Services, Additional Documents Follow	Business record	Relates to efficiencies
	PX00028	n/a	Compass Lexecon Presentation: Pathology Lab and Speech & Hearing Services, Additional Documents Follow	Business record	Relates to efficiencies
	PX00030	n/a	Compass Lexecon Presentation: Pension Plan/Investment Advisory Fees, Additional Documents Follow	Business record	Relates to efficiencies
	PX00031	n/a	Compass Lexecon Presentation: Information Technology, Additional Documents Follow	Business record	Relates to efficiencies
	PX00035	n/a	Compass Lexecon Presentation: Supply Chain Efficiencies, Additional Documents Follow	Business record	Relates to efficiencies
	PX00038	n/a	Compass Lexecon Presentation: Other Cost Savings Opportunities, Additional Documents Follow	Business record	Relates to efficiencies

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	PX00039	n/a	Compass Lexecon Presentation: Improve St. Luke's Revenues to Competitive Market Levels, Additional Documents Follow	Business record	Relates to efficiencies
	PX00044	n/a	Compass Lexecon Presentation: Construction of A Second Bed Tower at Flower Hospital, Additional Documents Follow	Business record	Relates to efficiencies
	PX00046	n/a	Compass Lexecon Slide on "EMR Implementation and Upgrade of St. Luke's Core IT Applications"	Business record	Relates to efficiencies
	PX00059	n/a	Compass Lexecon Presentation: Efficiencies Analysis of the Proposed Joinder	Business record	Relates to efficiencies
533	PX00077	1/11/2010	St. Luke's Hospital and ProMedica Health System High Level Timeline	Defensive strategy - Documents prepared in defense of FTC suit.	Relates to efficiencies
	PX00158	n/a	Efficiency Concepts: Stop the Development of the Orthopedic Hospital at Wildwood	Business record	Relates to efficiencies
	PX00247	n/a	PHS Presentation: ProMedica Metro-Toledo Service Line and Clinical Integration	Business record	Relates to efficiencies
	PX00258	4/6/2010	E-mail to Marcus from Wachsmann: re: FW: DRAFT	Business record	Relates to efficiencies
	PX00560	2/7/2011	E-mail to Armstrong, Della Flora, and Vahalik from Perron: re: RE: St. Luke's Acute Care Systems Planning / Direction in view of possible FTC separation order	Defensive strategy	Relates to efficiencies
	PX00562	2/28/2011	E-mail to Johnston from Schimmoeller: re: RE: Attorney Client Privilege - SLH Lab	Defensive strategy	Relates to efficiencies
	PX00568	9/3/2010	Navigant Presentation: Strategic Context and Planning Principles	Business record	Relates to efficiencies
496	PX00022	n/a	ProMedica Health System/St. Luke's Joinder Revenue Enhancement/Expense Efficiency Opportunities	Business record	Relates to efficiencies
497	PX00033	n/a	Physician Coverage Backup Materials	Business record	Relates to efficiencies
59	PX00038	n/a	Compass Lexecon Presentation: Other Cost Savings Opportunities, Additional Documents Follow	Business record	Relates to efficiencies

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781	PX00046	n/a	Compass Lexecon Slide on "EMR Implementation and Upgrade of St. Luke's Core IT Applications" and other assorted hard copy documents related to ESI implementation	Business record	Relates to efficiencies
474	PX00059	5/6/2010	Compass Lexecon Presentation: Efficiencies Analysis of the Proposed Joinder of ProMedica Health System and OhioCare Health System	Business record	Relates to efficiencies
551	PX00222	8/23/2010	Navigant Service Line and Clinical Integration Report	Business record	Relates to efficiencies
	PX00332	n/a	ProMedica Metro-Toledo Service Line and Clinical Integration	Business record	Relates to efficiencies
556	PX00394	4/28/2010	Cost Avoidance – Arrowhead Hospital	Business record	Relates to efficiencies
	PX00396	1/1/2011	Navigant Consulting Presentation: Clinical Integration Strategy Executive Summary, January 2011	Business record	Relates to efficiencies
	PX00424	2/26/2010	E-mail to Akenberger and Bristol from Fought: re: Ortho Distribution Summary w/Attach: ortho co-mgmt sources, uses and distributions -- 2009.xls	Business record	Relates to efficiencies
	PX00476	12/1/2010	Navigant Presentation: PHS Clinical Integration Strategy, Final Report, December 2010	Business record	Relates to efficiencies
701	PX00479	1/1/2011	Clinical Integration Strategy Final Report	Business record	Relates to efficiencies
	PX00480	12/3/2010	E-mail to Wakeman, Johnston, Dewey et al. from Herrmann w/ Attach: PHS_Clinical Integration Final Report Dec 03 2010.pptx	Business record	Relates to efficiencies
	PX00506	12/2/2010	E-mail to Nolan from Hoehn: re: RE: service line integration	Business record	Relates to efficiencies
	PX00539	12/27/2010	E-mail to Sattler from Steele: re: RE: Navigant	Business record	Relates to efficiencies
	PX01049	3/4/2010	Proposed Efficiencies under Joinder Model, WSC edits 3-4 10	Business record	Relates to efficiencies
	PX01051	n/a	OhioCare Health System, Inc. Efficiency Initiatives	Business record	Relates to efficiencies
	PX01053	n/a	St. Lukes Hospital, Maumee, Ohio, Analysis - Master Facility Upgrades	Business record	Relates to efficiencies
	PX01054	n/a	Joinder Efficiencies- Information Technology	Business record	Relates to efficiencies

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	PX01057	n/a	OhioCare Health System Inc. Efficiency Initiatives	Business record	Relates to efficiencies
815	PX01136	n/a	ProMedica Health System/ OhioCare Health System Joinder Efficiency Opportunities	Business record	Relates to efficiencies
	PX01151	10/13/2010	Navigant Consulting Presentation: Service Line and Clinical Integration Project Steering Committee Draft w/ Scott Rupley's handwritten notes	Business record	Relates to efficiencies
	PX01215	9/22/2010	Navigant Consulting Presentation: ProMedica Health System Market and Facility Assessment Summary	Business record	Relates to efficiencies
	PX01216	8/23/2010	Navigant Consulting Presentation: ProMedica Health System Service Line and Clinical Integration Market Trends and Facilities Assessment	Business record	Relates to efficiencies
	PX01218	8/23/2010	Navigant Consulting Presentation: ProMedica Health System Service Line and Clinical Integration Market Trends and Facilities Assessment w/ Rupley's handwritten notes	Business record	Relates to efficiencies
	PX01221	9/23/2010	Navigant Consulting Presentation: ProMedica Health System Service Line and Clinical Integration Preliminary Integration Options w/ Scott Rupley's handwritten notes	Business record	Relates to efficiencies
	PX01225	10/12/2010	Dave Dewey's handwritten notes: Doc Summary, Additional Documents Follow	Business record	Relates to efficiencies
	PX01226	10/13/2010	Navigant Consulting Presentation: Service Line and Clinical Integration Project Steering Committee Draft w/ Dave Dewey's handwritten notes	Business record	Relates to efficiencies
	PX01237	n/a	OhioCare Health System, Inc. Efficiency Initiatives w/ Dennis Wagner's handwritten notes	Business record	Relates to efficiencies
886	PX01281	10/21/2009	Finance Pillar Challenge Presentation	Business record	Relates to efficiencies
	PX01282	n/a	Joinder Efficiencies - Information Technology	Business record	Relates to efficiencies
825	PX01497	n/a	Extension of PHS Core Applications to SLH	Business record	Relates to efficiencies
	PX02386	01/00/2011	Navigant Presentation: PHS Clinical Integration Strategy, Final Report, January 2011	Business record	Relates to efficiencies
	PX02389	6/22/2010	Navigant Presentation: PHS Service Line and Clinical Integration, Proposal Presentation	Business record	Relates to efficiencies

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591		n/a	Summary of Efficiencies Opportunities	Business record	Relates to efficiencies
546		n/a	ProMedica Metro-Toledo Service Line and Clinical Integration Report	Business record	Relates to efficiencies
234		n/a	Akenberger Ex. 3 – Navigant Clinical Integration Report	Business record	Relates to efficiencies
241		11/25/2009	Oppenlander Ex. 15 – Navigant Report	Business record	Relates to efficiencies
59		5/6/2010	Efficiencies Analysis of the Proposed Joinder of ProMedica Health System, Inc. and OhioCare Health System, Inc., Backup	Business record	Relates to efficiencies
495	PX00020	5/6/2010	Compass Lexecon Report re Efficiencies Analysis of Proposed Joinder of ProMedica and OhioCare	Business record	Relates to efficiencies; disclosed in PI Opinion