

ORIGINAL



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

In the Matter of

ProMedica Health System, Inc.,
a corporation.

Docket No. 9346

PUBLIC DOCUMENT

**MOTION OF NON-PARTY AMBAC ASSURANCE CORPORATION
FOR PROVISIONAL *IN CAMERA* TREATMENT OF HEARING TESTIMONY**

Pursuant to 16 C.F.R. § 3.45(g), Ambac Assurance Corporation (“Ambac”), which is not a party to the above-captioned action, respectfully requests an order provisionally granting *in camera* treatment to the transcript of the hearing testimony of Bruce Gordon, which was given in these proceedings on August 11, 2011. On or about May 25, 2011, Administrative Law Judge Chappell granted Ambac’s motion for *in camera* treatment of certain portions of Mr. Gordon’s deposition testimony in this matter. On or about August 22, 2011, Ambac received a copy of the official transcript of Mr. Gordon’s August 11 hearing testimony. From an initial perusal of that official transcript, it appears to Ambac that some, but not all, portions of Mr. Bruce’s hearing testimony on August 11 were taken *in camera*, and that certain portions of Mr. Gordon’s public hearing testimony may contain some information that is the same or similar to information that Mr. Gordon covered in his deposition and that Judge Chappell determined should be held *in camera*.

Consistent with 16 C.F.R. § 3.45(g), Ambac plans to file, on or before September 2, 2011, a more complete motion identifying the specific portions of

Mr. Gordon's public hearing testimony that should be held *in camera*. In the meantime, to preserve the confidentiality of Ambac's sensitive business information and the effectiveness of Judge Chappell's grant of Ambac's earlier motion for *in camera* treatment, Ambac respectfully requests a provisional order holding the entirety of Mr. Gordon's testimony *in camera* until such time as Judge Chappell may rule on Ambac's motion to follow. Counsel for the Federal Trade Commission and for Respondent ProMedica Health System, Inc. have informed Ambac that they do not oppose this motion.

Dated: August 23, 2011

Respectfully submitted,



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[PROPOSED] ORDER

On August 23, 2011, Non-Party Ambac Assurance Corporation (“*Ambac*”) filed a Motion of Non-Party Ambac Assurance Corporation for Provisional *In Camera* Treatment of Hearing Testimony, seeking provisional *in camera* treatment of the hearing testimony of Bruce Gordon, taken in these proceedings on August 11, 2011. Based upon Ambac’s motion and all arguments presented in support and opposition thereto, IT IS HEREBY ORDERED that:

1. Ambac’s motion is granted;
2. The entire transcript of Bruce Gordon’s testimony (August 11, 2011) shall be subject to *in camera* treatment and shall be kept confidential and not placed in the public record of this proceeding until further order.
3. Only authorized Federal Trade Commission (“*Commission*”) personnel and court personnel concerned with judicial review may have access to the above-referenced information, provided that I, the Commission, and reviewing courts may disclose such *in camera* information to the extent necessary for the proper disposition of the proceeding.

DATED: _____

ORDERED: _____

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that on this 24th day of August, 2011, a caused a true and complete copy of the foregoing Motion of Non-Party Ambac Assurance Corporation for Provisional *In Camera* Treatment of Hearing Testimony to be served upon the following counsel by electronic mail and through the Federal Trade Commission's electronic filing system:

Jeanne H. Liu, staff attorney, Federal Trade Commission (jliu@ftc.gov)

Vincent C. van Panhuys, McDermott Will & Emery, LLP (vvanpanhuys@mwe.com)

A paper copy of this submission has also been delivered to Chief Administrative Law Judge D. Michael Chappell.



Paolo Morante