

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



In the Matter of

BENCO DENTAL SUPPLY CO.,
a corporation,

HENRY SCHEIN, INC.,
a corporation, and

PATTERSON COMPANIES, INC.
a corporation,

Respondents.

Docket No. 9379

**COMPLAINT COUNSEL'S NON-OPPOSITION TO HENRY SCHEIN, INC.'S
REDACTIONS SUBMITTED IN CONNECTION WITH ITS SECOND MOTION FOR
IN CAMERA TREATMENT**

Complaint Counsel does not oppose Respondent Henry Schein, Inc.'s redactions submitted on November 2, 2018 in connection with its Second Motion for *In Camera* Treatment.¹

Respectfully submitted,

/s/ Lin W. Kahn
Lin W. Kahn
N. Diana Chang
Erika Wodinsky
Federal Trade Commission - Western Region
901 Market Street, Suite 570
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lkahn@ftc.gov

Counsel Supporting the Complaint

¹ In an email on November 5, 2018, attached hereto as Exhibit A, Henry Schein, Inc.'s counsel stated it would be willing to withdraw its claim for partial *in camera* treatment of CX4092, an exhibit already used in open court and part of the public docket.

EXHIBIT A

From: Fincher, Lauren <LFincher@lockelord.com>
Sent: Monday, November 05, 2018 10:29 AM
To: Chang, Nair Diana
Cc: Wodinsky, Erika; Kahn, Lin
Subject: RE: FTC Docket No. 9379 - Respondent Henry Schein Inc.'s Second Motion for In Camera Treatment - Redacted Documents

Hi Diana,

Yes, Schein is willing to withdraw its claim for partial *in camera* treatment of CX4092, the Corydon Palmer agreement that was used in court last week.

Thanks,
Lauren

From: Chang, Nair Diana [mailto:nchang@ftc.gov]
Sent: Sunday, November 4, 2018 8:21 PM
To: Fincher, Lauren
Cc: Wodinsky, Erika; Kahn, Lin
Subject: RE: FTC Docket No. 9379 - Respondent Henry Schein Inc.'s Second Motion for In Camera Treatment - Redacted Documents

Lauren,

It appears that Schein is seeking partial *in camera* treatment of CX4092 in the submission below. CX4092 was already used in open court upon agreement between Complaint Counsel and Schein's counsel, David Munkittrick. As such, this document and testimony are already in the public record and are no longer confidential. Is Schein willing to withdraw its claim for partial *in camera* treatment of CX4092? If so, Complaint Counsel does not otherwise anticipate opposing Schein's submission for partial *in camera* treatment of the remaining documents. Please let me know tomorrow morning. I'm also available to discuss.

Best,
Diana

N. Diana Chang
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From: Fincher, Lauren <LFincher@lockelord.com>
Sent: Friday, November 02, 2018 5:28 PM
To: OALJ <OALJ@ftc.gov>
Cc: Respondent Schein Counsel <RespondentScheinCounsel@lockelord.com>; In-re-Benco-Schein-Patterson-Service <In-re-Benco-Schein-Patterson-Service@ftc.gov>

Subject: FTC Docket No. 9379 - Respondent Henry Schein Inc.'s Second Motion for In Camera Treatment - Redacted Documents

Dear Honorable Administrative Law Judge Chappell,

Pursuant to the Court's October 30th Order, the 92 documents with proposed redactions of the confidential information Schein is seeking partial *in camera* treatment for in connection with Schein's Second Motion for *In Camera* Treatment can be found at the link below:

Link: <https://lockelord.box.com/s/ha8f0ntiswbdfgc4ufc72iffxvar6jb>

Schein has also uploaded the original, unredacted version of these 92 documents to the same link so that the redacted information can be readily identified.

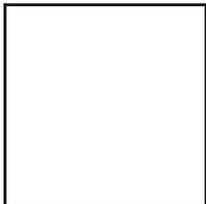
The password will be sent by separate e-mail.

Please let us know if you have any trouble accessing the documents.

Thanks,
Lauren Fincher

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CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2018, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

The Honorable D. Michael Chappell
Administrative Law Judge
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Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

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Counsel For Respondent Patterson Companies, Inc.

November 5, 2018

By: /s/ Lin W. Kahn
Attorney

CERTIFICATE OF ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed documents that is available for review by the parties and the adjudicator.

November 5, 2018

By: /s/ Lin W. Kahn
Attorney