

would be personally embarrassing to Warner. This would be in addition to the protection already provided to documents where disclosure would cause substantial commercial harm. See 18 U.S.C. § 863(a)(1)(B).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

legal obligation imposed upon the Commission. The Parties, in conducting discovery

and a cover letter that will apprise such Third Parties of their rights hereunder.

Warner has no objection to the insertion of this language. Roberti Declaration ¶¶ 3-5.

3. **Notice of Intent to Disclose to Experts**

Warner requests that the Protective Order be modified to provide that Warner will receive

UNITED STATES OF AMERICA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Notwithstanding the foregoing, nothing contained in this Protective Order shall prevent the Commission from using any material produced as part of the investigation in this matter, including any Discovery Material, for purposes authorized hereunder.

that the Commission may only use or disclose Discovery Material as provided by (1) its Rules of Practice, Sections 6(f) and 21 of the Federal Trade Commission Act and any cases so construing them; and (2) any other legal obligation imposed upon the Commission.

4. At Ms. Dunne's request, I emailed this language to her.

5. Later on the morning of October 22, 2001, Ms. Dunne contacted me by email and

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

In the Matter of)

POLYGRAM HOLDING, INC.,)
a corporation,)

DECCA MUSIC GROUP LIMITED,)
a corporation,)

UMG RECORDINGS, INC.,)
a corporation,)

and)

UNIVERSAL MUSIC & VIDEO)
DISTRIBUTION CORP.,)
a corporation.)
_____)

Docket No. 9298

ORDER

Upon the motion of Warner Communications Inc. and complaint counsel, and for good cause shown, **IT IS HEREBY ORDERED** that the Protective Order entered in this matter on October 16, 2001 is modified as follows:

1. paragraph 16 of the Definitions shall be modified to add the phrase "or personal embarrassment" after the phrase "would not cause substantial commercial harm";

2. paragraph 5(b) of the Protective Order shall be modified to add the following three sentences:

"Disclosure of Protected Discovery Material made under subparagraph 5(b) above

[REDACTED]

[REDACTED]

[REDACTED]

used by such persons only for the purpose of this proceeding and not for any business, competitive or other purpose whatsoever; in addition, the Parties shall follow the procedure set forth in paragraph 8(b) & (d) below for Disclosure to New Persons except notice by disclosing Party to Producing Party need only consist of the name and title/position of the person at Universal to whom such material is to be disclosed and a brief statement of the reasons why this person has a need to know Protected Discovery Material.";

[REDACTED]

ORDERED:

James P. Timony
Chief Administrative Law Judge

Date: _____

