

COPY

UNITED STATES OF AMERICA

BEFORE FEDERAL TRADE COMMISSION



a corporation

DECCA MUSIC GROUP LIMITED,
a Corporation,

UMG RECORDINGS, INC.,
a corporation,

and

UNIVERSAL MUSIC & VIDEO
DISTRIBUTION CORP.,
a corporation.

FILE/DOCKET NO.
488016/0010231/DO9298

RESPONDENTS' RESPONSE TO WARNER COMMUNICATIONS INC'S MOTION

TO MODIFY PROTECTIVE ORDER GOVERNING DISCOVERY MATERIAL

Respondents PolyGram Holding, Inc. ("PolyGram Holding"), Decca Music

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

order sets forth two level of confidentiality. The first level is "confidential," and provides "attorney's eyes only" protection to any materials the disclosure of which would cause substantial commercial harm or personal embarrassment to the producing party. The second level is designated "protected" and allows disclosure of otherwise "confidential" materials to

Dependents' employees so long as such disclosure would not be a breach of the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

only serve to hinder Respondents' ability to defend this case -- requiring Respondents to seek permission to show important discovery materials to relevant employees, and to burden the Court with a motion every time such permission was denied. This concern is not merely theoretical, as Warner has already indicated that it is unwilling to reconsider whether its documents should be re-designated as "protected" unless requested to do so on document-by-document basis.

Respondents believe that, if Warner were to reassess its confidentiality designations to identify which documents should be designated as "confidential" and which should be designated as

[REDACTED]

[REDACTED]

[REDACTED]

substantially. Accordingly, Respondents request that the Court instruct Warner that it may not

[REDACTED]

CERTIFICATE OF SERVICE

I, Stephen E. Morrissey, hereby certify that on October 31, 2001, I caused a copy of the attached **RESPONDENTS' MOTION FOR ENTRY OF PROTECTIVE ORDER** to be

by the undersigned

delivered to the Clerk of the Court

By: Stephen E. Morrissey

Donald S. Clark, Secretary
