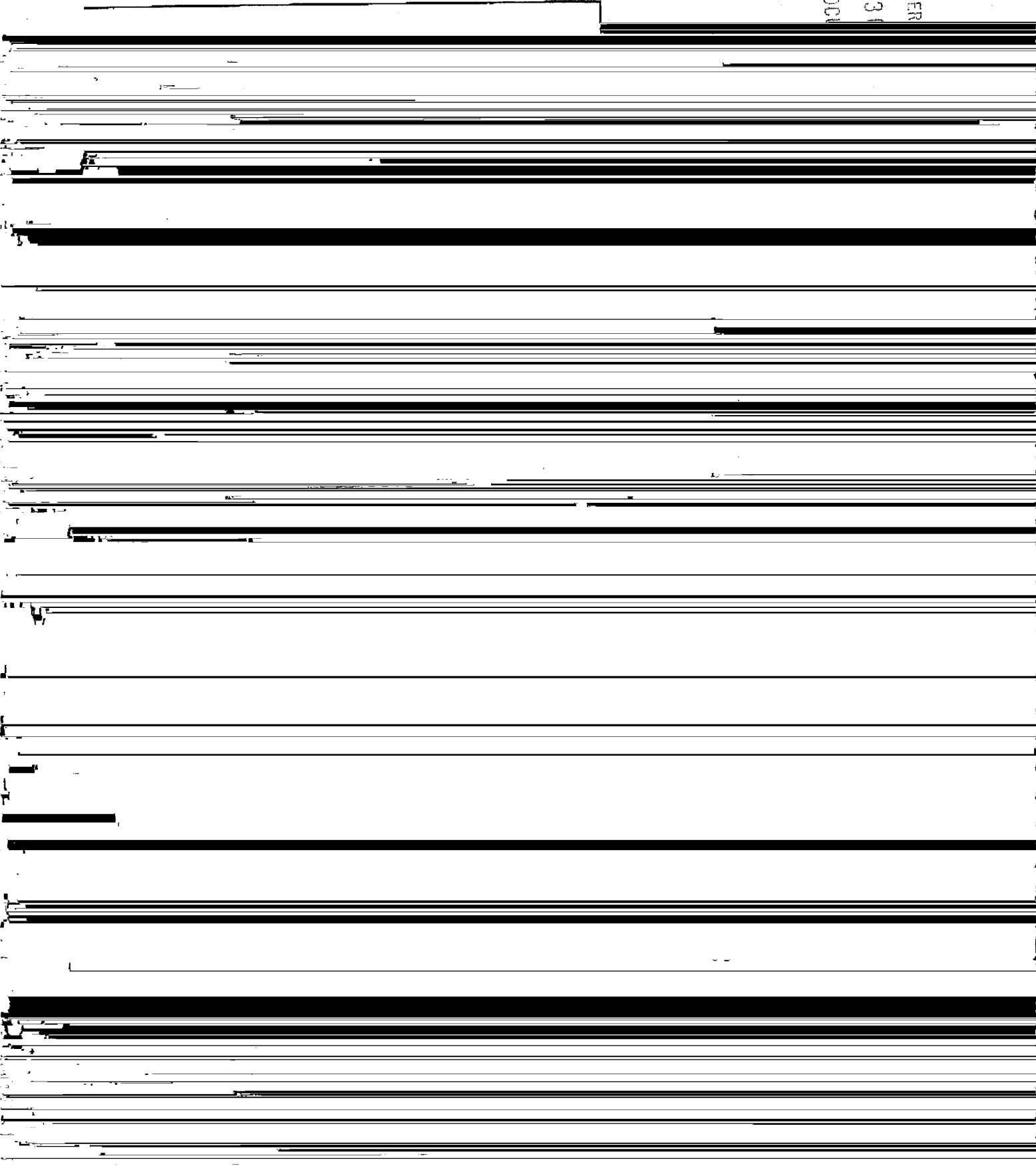


**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

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Accordingly, we respectfully request that this court amend the Protective Order as described above and enter the attached order.

Respectfully submitted,

Respectfully submitted.

Mark Wein

Richard A. Feinstein  
Richard A. Feinstein, Esq.

UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
INTERNATIONAL TRADE COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of )  
 )  
 )  
CALIFORNIA PACIFIC MEDICAL GROUP, INC., d/b/a )  
BROWN AND TOLAND MEDICAL GROUP, )  
Respondent. )

Docket No. 9306

**AMENDED PROTECTIVE ORDER GOVERNING DISCOVERY MATERIAL**

For the purpose of protecting the interests of the parties and third parties against the improper use and disclosure of confidential information submitted or produced in connection with this matter:

IT IS HEREBY ORDERED THAT this Amended Protective Order shall be

known and which the producing party would not normally reveal to third parties  
or would normally require third parties to maintain in confidence. These are

[REDACTED]

telephone message slip, note of interview or communication, or any other data compilation from which information can be obtained.

"[Redacted]"

who are retained to assist complaint counsel or respondent's counsel in

preparation for the hearing or to give testimony at the hearing.

Material to the FTC. The producing party shall also mean the FTC for purposes

of any document or material submitted to the FTC.

“Document” means Document T-1.

- p. “Restricted Confidential Discovery Material” is Confidential Discovery Material stamped “Restricted Confidential Discovery Material,” that contains non-public, current information that is highly sensitive (marketing plans, pricing plans,

§§ 57b-2(b) & (d)(2).

3. The parties, in conducting discovery from third parties, shall attach a copy of this

Protective Order to any discovery request and include a cover letter that will apprise third parties

6. All documents obtained by compulsory process or voluntarily in lieu of process from any party or third party, regardless of whether designated or marked confidential by the

[REDACTED]

[REDACTED]



h. any other person(s) authorized in writing by the producing party.

otherwise provided to anyone other than the persons listed in paragraph 7 and to in-house counsel for respondent, provided that a declaration in the form attached as Exhibit A is executed. The designated in-house counsel for respondent is Janet Shestakov, Esq., General Counsel of respondent Brown & Toland and Laurence Kessenick, Esq. of Hanson, Bridgett, Marcus, Vlahos, and Rudy, LLP.

9. Restricted Confidential or Confidential Discovery Material shall not, directly or indirectly, be disclosed or otherwise provided to an expert/consultant unless the expert/consultant agrees in writing:

a. to maintain the confidentiality of the Restricted Confidential or Confidential

shall maintain a file of all such declarations for the duration of the matter. Restricted

Confidential or Confidential Discovery Material shall not be copied or reproduced for use in this

document to the extent such copying or reproduction is reasonably necessary to the conduct

[REDACTED]

days of receiving notice, file a motion with the Administrative Law Judge that includes a written statement of the reasons for the objection to disclosure. If the producing party files such a motion, then the disclosing party shall not disclose the Restricted Confidential or Confidential Discovery Material to the identified expert/consultant, absent a written agreement with the

~~disclosing party or order of the Administrative Law Judge permitting the disclosure. If the~~

producing party does not file such a motion within five business days of receiving notice, then

~~the disclosing party must disclose the Restricted Confidential or Confidential Discovery Material~~

does not object to the disclosure of the Restricted Confidential or Confidential Discovery Material to the person within five business days of receiving notice, the disclosing party may disclose the Restricted Confidential or Confidential Discovery Material to the identified person.

12 If any party seeks to challenge a producing party's designation of material as

Restricted Confidential or Confidential Discovery Material, the challenging party shall notify the producing party and all other parties of the challenge. Such notice shall identify with specificity

the material, by deposition transcript page and line reference, or other means

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

inadvertently been produced or disclosed. In the event of a claimed inadvertent production or disclosure, the following procedures shall be followed:

- a. The producing party may request the return of the discovery material within five business days of discovering that it was inadvertently produced or disclosed, or

request for the return of any discovery material shall identify the specific discovery material and the basis for asserting that the specific discovery material, or portions thereof, is subject to a claim of privilege and the date of discovery that there had been an inadvertent production or disclosure.

- b. If a producing party requests the return of any such discovery material from another party, pursuant to this paragraph, the party to whom the request is made

cover letter apprising the producing party of its rights. Nothing herein shall be construed as requiring the recipient of the discovery request or anyone else covered by this Protective Order to

~~challenge or seek an order regarding production of Restricted Confidential or Confidential~~

Discovery Material, to subject itself to any penalties for non-compliance with such an order, or to seek any relief from the Administrative Law Judge or the Commission. The recipient shall not

~~oppose the producing party's efforts to challenge the discovery request solely for the production~~

the original filing. Further, if the protection for any such material ceases, any party may file on the public record a copy that also contains the formerly-protected material.

20. If counsel for a party plans to introduce into evidence at trial any document or transcript containing Restricted Confidential or Confidential Discovery Material produced by the

other party or by a third party, they shall provide forty-eight hours' notice to the other party.



affidavit of destruction). The FTC shall retain, return, or destroy documents in accordance with the provisions of section 4.12 of the FTC Rules of Practice. 16 C.F.R. § 4.12

22. The provisions of this Protective Order, insofar as they restrict the communication and use of Restricted Confidential or Confidential Discovery Material, shall, without written permission of the producing party or further order of the Administrative Law Judge hearing this matter, continue to be binding after the conclusion of this matter.

23. ~~This Protective Order shall not apply to the disclosure by a producing party of~~

**EXHIBIT A  
TO THE AMENDED PROTECTIVE ORDER GOVERNING DISCOVERY MATERIAL**

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

In the Matter of

CALIFORNIA PACIFIC MEDICAL GROUP, INC., dba  
BROWN AND TOLAND MEDICAL GROUP,

a corporation.

Docket No. 9306

**DECLARATION CONCERNING THE PROTECTIVE ORDER**

1. [Statement of employment]
2. I have read the "Amended Protective Order Governing Discovery Material"

b. that I will not disclose such Restricted Confidential or Confidential Discovery Material to anyone, except as permitted by the Protective Order;

c. that I will use, store, and maintain the Restricted Confidential or Confidential Discovery Material in such a way as to ensure its continued

protected status; and

d. that upon the conclusion of my involvement in this matter, I will

**CERTIFICATE OF SERVICE**

I, Jauron T. Kearney, hereby certify that on 29 October 2003 I caused a copy of the Parties' Joint

Motion to Amend Protective Order Governing Discovery Material to be served upon the

Office of the Secretary  
Federal Trade Commission

600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580