

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

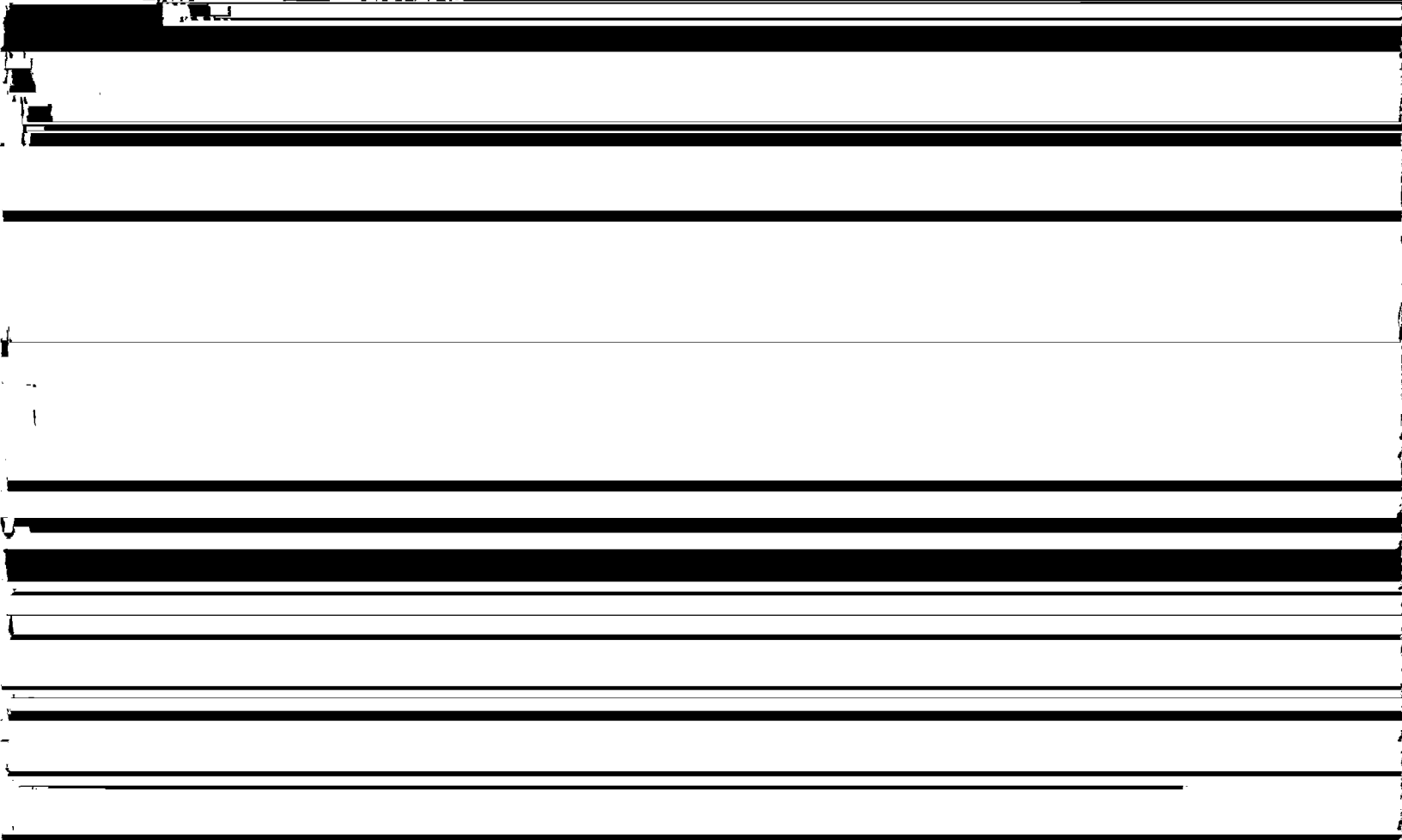
In the Matter of  
NORTH TEXAS SPECIALTY PHYSICIANS,  
  
a corporation.

Docket No. 9312

**NON-PARTY BAYLOR ALL SAINTS MEDICAL CENTER'S MOTION  
FOR *IN CAMERA* TREATMENT OF PROPOSED EVIDENCE**

Baylor All Saints Medical Center ("Baylor All Saints"), which is not a party to the above-captioned action, respectfully requests that this court grant *in camera* treatment of a document that Complaint Counsel and North Texas Specialty Physicians ("NTSP") have designated for possible introduction in the administrative trial in this matter. By letter dated March 15 and 16,

2004, Complaint Counsel and NTSP notified Baylor All Saints that they intend to



**BAYLOR ALL SAINTS' CONFIDENTIAL DOCUMENT DESERVES**

[REDACTED]

[REDACTED]

**COMMISSION'S RULES OF PRACTICE**

The document that is described in this motion warrants *in camera* treatment as provided by 16 C.F.R. § 3.45(b). Under 16 C.F.R. § 3.45(b), requests for *in camera* treatment must show

that public disclosure of the document in question "will result in a clearly defined, serious injury to the person or corporation whose records are involved." *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961). That showing can be made by establishing that the document in question is

In addition to these measures, Baylor All Saints has followed other procedures that demonstrate its intention to preserve the privacy of the information. First, the information is not at all known outside of Baylor All Saints. (Aaron Decl. ¶ 7.) Second, the information is disclosed only to particular employees of Baylor All Saints on a “need to know” basis. (Id.) Third, Baylor All Saints takes substantial measures to guard the secrecy of the information at issue, limiting its dissemination and taking every reasonable step to protect its confidentiality.

(Aaron Decl. ¶¶ 7 and 8.) It would be extremely difficult – if not impossible - for Baylor All Saints’ competitors to recreate the information in the documents at issue. (Aaron Decl. ¶ 7.)

These efforts demonstrate that Baylor All Saints has gone to great lengths to preserve the

DATE: AUGUST 1, 1994

main campus and physicians can easily admit their patients to these facilities rather than to

and materiality).

**D. Protection for Exhibit A Should Extend For Seven Years**

The nature of the information contained in Exhibit A to Baylor All Saints' business warrants lasting protection. The patient days and related charges attributed to each attending

at Baylor All Saints is vital to Baylor All Saints' competitive position and business

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**PROPOSED ORDER**

On March 29, 2004, Non-Party Baylor All Saints Medical Center ("Baylor All

~~Saints") filed a motion for summary judgment and treatment of Confidential business information~~

contained in a document that Complaint Counsel and North Texas Specialty Physicians

("NTSP") have identified as a potential trial exhibit.

**REPLY TO THE OFFICE**

I certify that on March 29, 2004, I caused the Non-Party Baylor All Saints Medical Center's Motion for *In Camera* Treatment of Proposed Evidence to be served by the method indicated upon the following:

***Via Federal Express and Email***

Michael J. Bloom  
FEDERAL TRADE COMMISSION  
One Bowling Green, Suite 318  
New York, New York 10004

***Via Federal Express and Email***

Gregory Binns  
Gregory S. C. Huffman  
THOMPSON & KNIGHT, LLP  
1700 Pacific Avenue, Suite 3300  
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**Attorneys for  
North Texas Specialty Physicians**

***Via Federal Express and Email***


Barbara Anthony, Director  
FEDERAL TRADE COMMISSION  
One Bowling Green, Suite 318  
New York, New York 10004

***Via Hand Delivery and Email***

Donald S. Clark  
Secretary  
FEDERAL TRADE COMMISSION  
600 Pennsylvania Ave., NW  
Washington, DC 20580

**REPLY TO THE OFFICE**

Hon. D. Michael Chappell  
Administrative Law Judge  
FEDERAL TRADE COMMISSION  
Room H-104  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

  
Daniel L. Wellington  
Fulbright & Jaworski I. I. P.

# **EXHIBIT A**

**[REDACTED]**



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**DECLARATION OF SANDY AARON IN SUPPORT OF BAYLOR ALL SAINTS  
MEDICAL CENTER'S MOTION FOR IN-CAMERA TREATMENT**

I, Sandy Aaron, declare as follows:

I am Chief Operating Officer and Interim President of Baylor All Saints

attributable to those admissions, is a central part of Baylor All Saints' business strategic

purpose and its goal of outperforming its competitors

6. If competitors were to obtain the information contained in Exhibit A, they

would be able to identify those physicians at Baylor All Saints that create high volumes

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 26th day of March, 2004, in Texas.

Sandy L. Aaron  
Sandy Aaron

Sworn and subscribed to before me  
this 26th day of March, 2004

Renae Davis  
Notary Public

My Commission Expires: 3/6/06

