

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of _____)
)
EVANSTON NORTHWESTERN)
HEALTHCARE CORPORATION,)
a corporation, and)
)
ENH MEDICAL GROUP, INC.,)
)
)

Docket No. 9315

NON-PARTY UNITED HEALTHCARE OF ILLINOIS, INC.'S MOTION FOR
[REDACTED]

EXTENSION OF TIME TO MOVE FOR *IN CAMERA* TREATMENT OF
CERTAIN CONFIDENTIAL DATA

Pursuant to 16 C.F.R. § 3.22(d) Nonparty United HealthCare of Illinois

13, 2004 ("Dahnke Letter"), attached as Exhibit 2 to United's Motion For *In Camera* Treatment of Confidential and Competitively Sensitive Documents and Testimony.

Complaint Counsel's list included 10 exhibits. On December 14, 2004, counsel for

Dependants Everston Northwood, II, et al. v. Charles D. Williams, et al. (ENH's list)

Inc. (collectively "ENH") also notified United of its intent to use certain confidential United documents as potential trial exhibits. ENH's list included 75 exhibits. See letter

to Elizabeth M. Avram from Charles D. Williams, et al. dated December 14, 2004 ("Williams Letter").

The files in CX 3020 contain data relating to, *inter alia*, hospital admissions of United members, which is highly commercially sensitive to United's business. Moreover, the information is subject to the protections of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

~~Because the data contained in the files designated as CX 3020 is~~

voluminous, at the time that United produced these files to Complaint Counsel during the

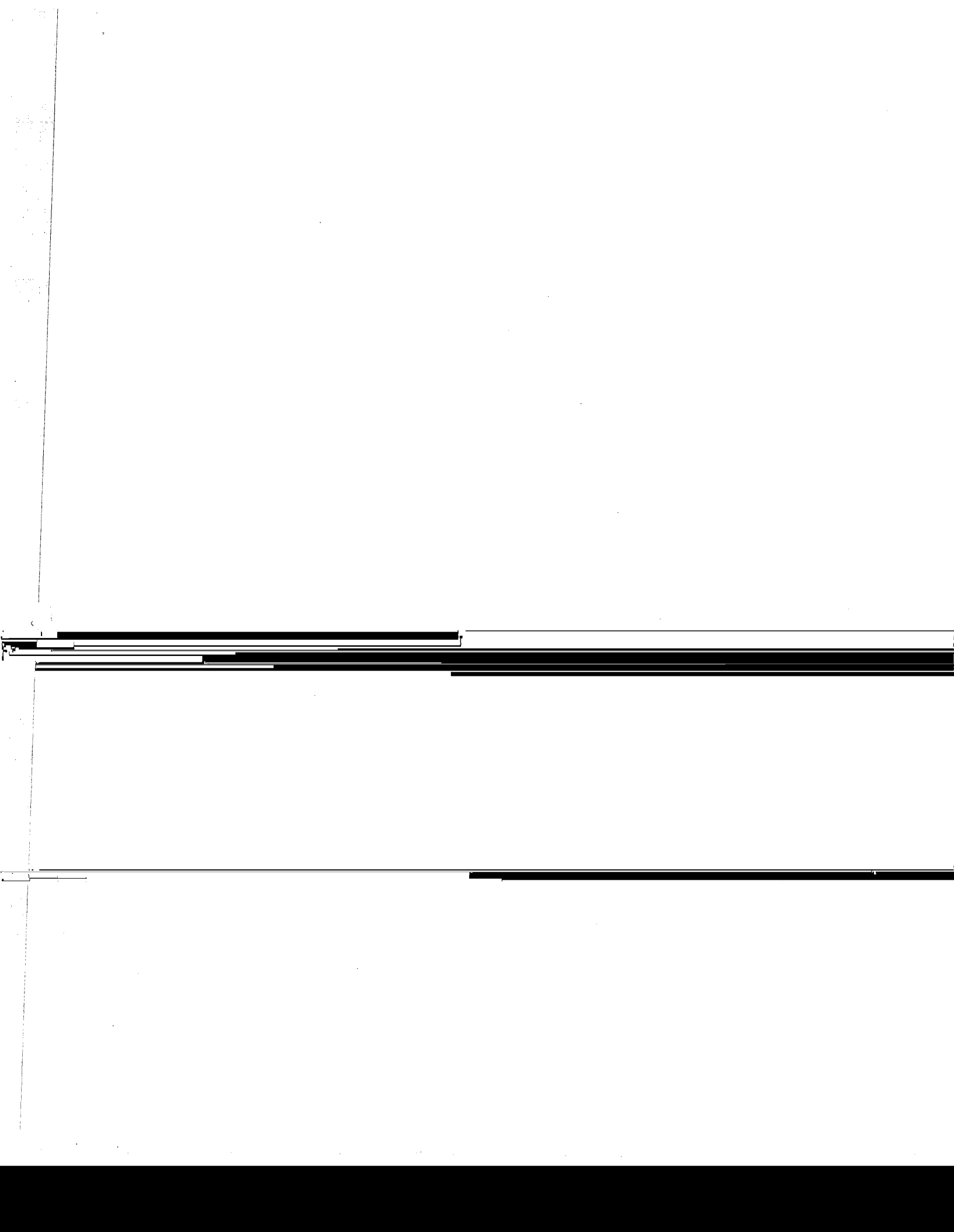
~~course of discovery, Complaint Counsel entered into a Confidential Treatment~~

Stipulation dated October 4, 2004. By this stipulation, Complaint Counsel agreed that if this admissions data were to be used in trial, Complaint Counsel would support a motion seeking *in camera* treatment for the data. A copy of the Confidential Treatment Stipulation is attached hereto as Exhibit B.¹

Due to the highly confidential and sensitive nature of at least some of the

Accordingly, United respectfully requests that this motion for extension of time be granted to permit United to file such motion and supporting affidavit for *in camera* treatment on or before January 18, 2005.

We have discussed, in a telephone conversation, this request with Complaint Counsel and Complaint Counsel concurs with our view that additional time to seek in camera treatment for the data contained in CX3020 is appropriate in this instance, ~~and will not oppose this motion~~





"Dahnke, Jeff"
<JDAHNKE@ftc.gov>

To: Elizabeth Avery/NY/WGM/US@WGM
cc:

Ms. Avery,

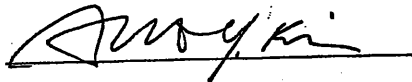
In connection with our earlier notification that Complaint Counsel intend to place certain documents submitted by UHC on our exhibit list in the matter against Evanston Northwestern Healthcare (Docket No. 9315), I'm attaching to this email the image of an additional item that has been added to, or was inadvertently omitted from, the exhibit list. Attached is CX 3020 (listing data files

EVANSTON NORTHWESTERN HEALTHCARE CORP. & ENH MEDICAL
GROUP, INC., DOCKET 9315

CONFIDENTIAL TREATMENT STIPULATION

I, ALBERT Y. KIM, of, FTC, on behalf of
FTC, agree to treat as "Restricted Confidential: Attorneys Eyes Only"
any materials produced by United HealthCare of Illinois, Inc., pursuant Request 3 of the
Subpoena *Duces Tecum* issued by the Federal Trade Commission on July 8, 2004. In the
event that any or all data produced pursuant to that request is to be used at trial,
FTC agrees that such data will be afforded *in camera* treatment.

Signed by



On behalf of:

FTC

Dated: 7 Oct - 2004

CERTIFICATE OF SERVICE

correct copy of United HealthCare of Illinois, Inc.'s Motion For Extension of Time to Move for *In Camera* Treatment of Certain Confidential Data, to be served on the following persons:

By hand delivery:

Hon. Stephen McGuire
Chief Administrative Law Judge
Federal Trade Commission

Room H-11 _____ 2
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

By Federal Express:

David Dahlquist
Winston & Strawn LLP

35 W. Wacker Drive
Chicago, Illinois 60601-9703

Complaint for Enforcement of Northwestern Healthcare Corporation