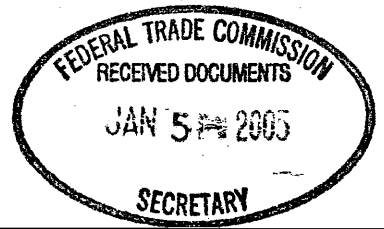


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
Office of Administrative Law Judges



In the Matter of )  
)  
)  
**Evanston Northwestern Healthcare** )  
**Corporation,** )  
a corporation, and )  
)  
**ENH Medical Group, Inc.,** )  
)  
)

Docket No. 9315

NOTICE OF FILING

**PUBLIC VERSION**

MOTION FOR IN CAMERA TREATMENT OF DOCUMENTS

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on January 4, 2005, I caused to be filed with the  
Federal Trade Commission - Office of the Secretary at 600 Pennsylvania Avenue, NW.

Room H-159, Washington, D.C. 20580, *Non-Party Advocate Health Care's Motion for  
In Camera Treatment of Respondents' Proposed Evidentiary Materials.*

**CERTIFICATE OF SERVICE**

I, J. Michael Tecson, an attorney, certify that a copy of the foregoing documents was served on the individuals listed below by first class mail delivery, proper postage prepaid, on January 4, 2005:

Michael L. Sibarium  
Charles B. Klein  
WINSTON & STRAWN, LLP  
1400 L Street, NW  
Washington, DC 20005  
*(without exhibits)*

Duane M. Kelley  
David E. Dahlquist  
WINSTON & STRAWN, LLP  
35 West Wacker Drive  
Chicago, IL 60601-9703  
*(without exhibits)*

And that one copy was served on the Honorable Stephen McGuire by personal delivery to:

The Honorable Stephen J. McGuire  
Office of the Administrative Law Judges  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Room 113

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Washington, DC 20580

And that one copy was served on Complaint Counsel by personal delivery to:

Thomas Brock, Esq.  
600 Pennsylvania Avenue, NW  
Room H-360  
Washington, DC 20580  
*(without exhibits)*

Dated: January 4, 2005

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

**Office of Administrative Law Judges**

In the Matter of )  
)  
)

**Evanston Northwestern Healthcare  
Corporation,** )  
)  
a corporation, and )

**ENH Medical Group, Inc.,** )  
)  
a corporation. )

Docket No. 9315

**NON-PARTY ADVOCATE HEALTH CARE'S MOTION FOR IN CAMERA**

**REVIEW OF RESPONDENT'S PROPOSED EVIDENTIARY MATERIALS**

Order grants "Confidential" status to all documents produced in the instant matter. The

confidential documents, for which in camera treatment is sought, are listed as follows:

<b>Advocate's Exhibits</b>	<b>Advocate's Bates Range</b>	<b>Respondents' Exhibit Nos.</b>
1	AHC 01541-60	RX-0630
2	AHC 00727-8	RX-1507
3	AHHC 00363-73	FX-1053
4	AHHC 000374-000384	RX-1095
5	AHHC 000385-000395	RX-1141
6	AHHC 001088-23; 001125-28	RX-0928
7	AHHC 001197-001237	RX-1718
8	ALGH 01676	RX-0076

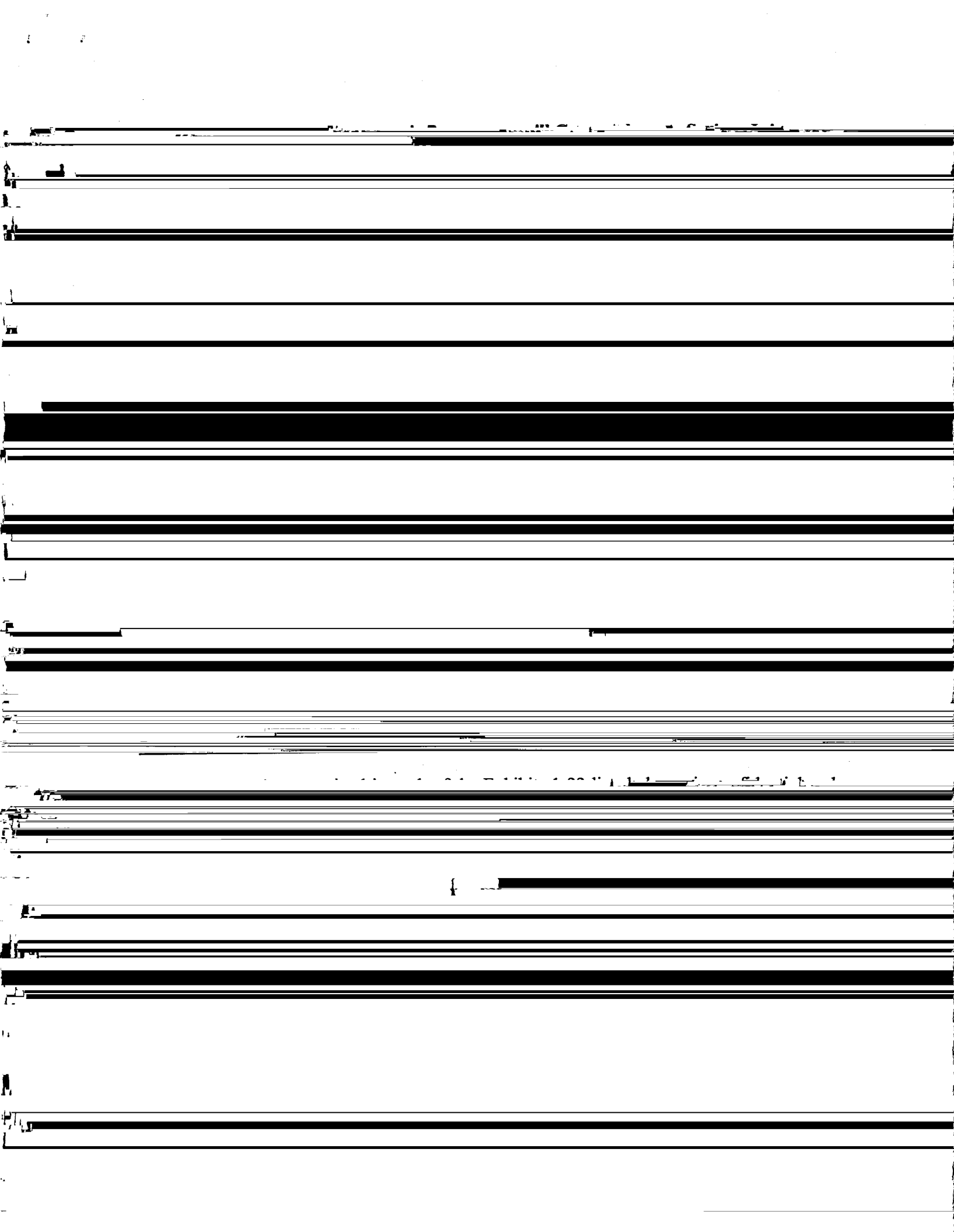
AHC 001720-20

RX 0106

## II. Standard for In Camera Treatment of Materials

disclosure will likely result in a clearly defined, serious injury... to the corporation requesting their in camera treatment.” 16 C.F.R. § 3.45(b). In order to demonstrate “serious injury,” the

in camera treatment should show that the subject information is: 1) secret and 2)





Based upon the above facts, and the details set forth more fully in the Declaration of Thomas J. Babbo, Advocate has adequately demonstrated the secrecy and materiality set forth in Bristol-Myers, and therefore, should be afforded in camera status for the documents listed and described herein.

**IV In Camera Treatment for the Above Documents Should Be Indefinite**

\_\_\_\_\_ Confidential Information contained in the documents \_\_\_\_\_

\_\_\_\_\_ in camera protection is sought if publicly disclosed, would place Advocate at a significant



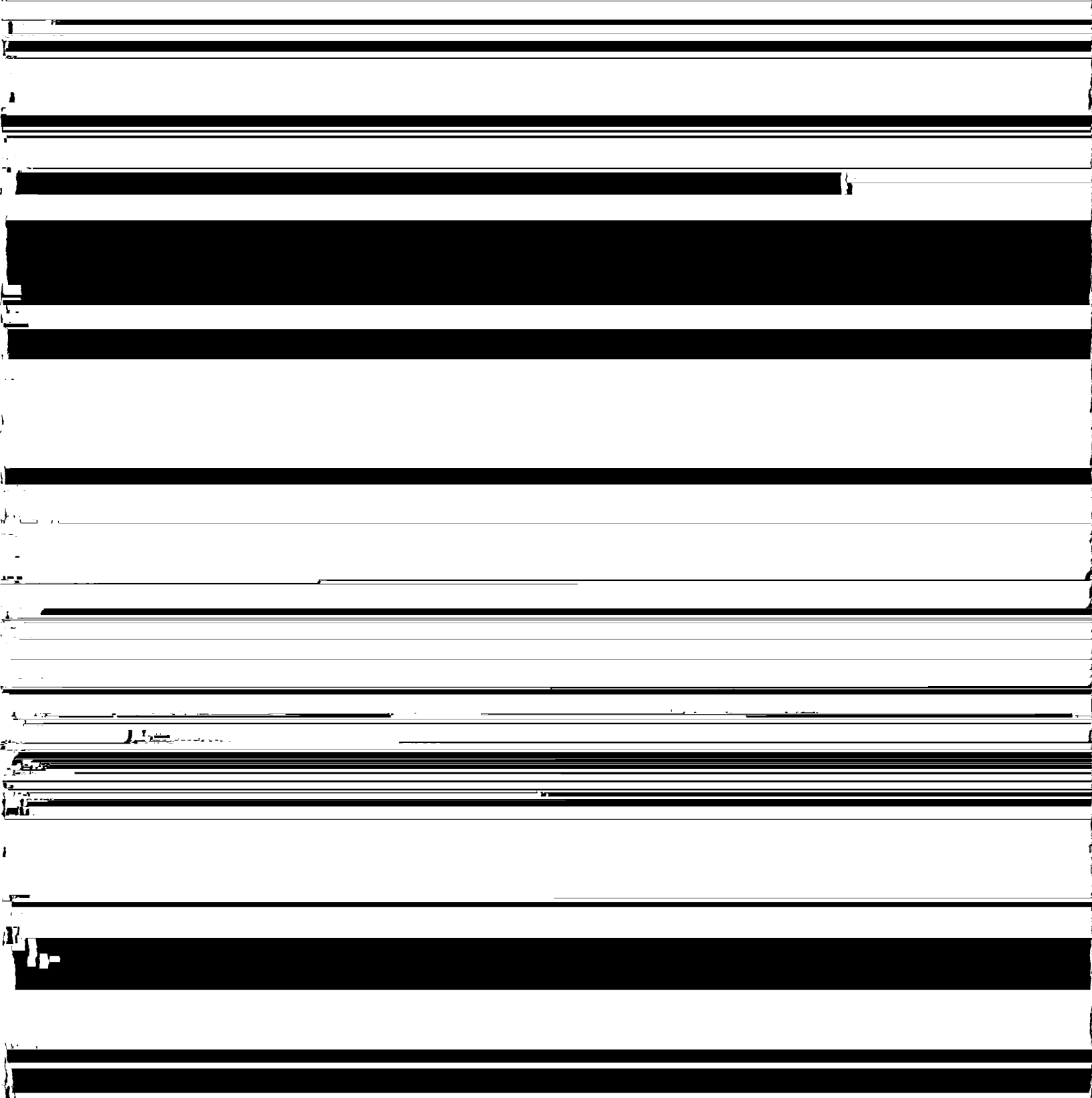
John P. Marren  
Laura C. Liu  
Kelly A. McCloskey  
J. Michael Tecson  
Hogan Marren, Ltd.  
180 N. Wacker Drive, Suite 600  
Chicago, Illinois 60606  
(312) 946-1800

**PUBLIC VERSION**

**PROPOSED ORDER**

On January 4, 2005, Non-Party Advocate Health Care ("Advocate") filed a motion for in camera treatment of confidential business information contained in certain documents that have

been identified by respondents, Everstar, Northwestern Healthcare Corporation, and ENH



referenced information, provided that I, the commission, and reviewing courts may disclose such in camera information to the extent necessary for the proper disposition of the proceeding.

ORDERED:

\_\_\_\_\_

Administrative Law Judge

Dated: \_\_\_\_\_

**EXHIBIT LIST**

Exhibit 1 – [REDACTED]

Exhibit 2 – [REDACTED]

Exhibit 3 – [REDACTED]

Exhibit 4 – [REDACTED]

Exhibit 5 – [REDACTED]

Exhibit 6 – [REDACTED]

Exhibit 7 – [REDACTED]

Exhibit 8 – [REDACTED]

Exhibit 9 – [REDACTED]

Exhibit 10 – [REDACTED]

Exhibit 11 – [REDACTED]

Exhibit 12 – [REDACTED]

Exhibit 13 – [REDACTED]

Exhibit 14 – [REDACTED]

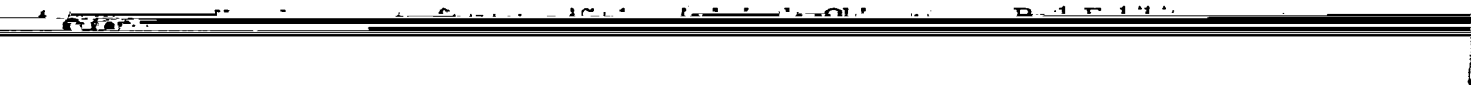
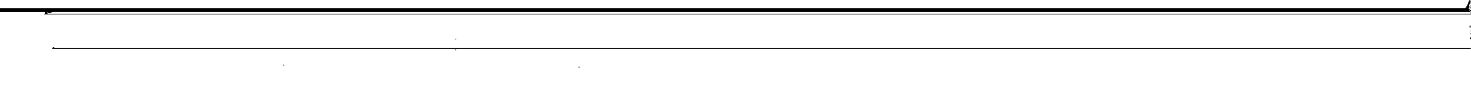
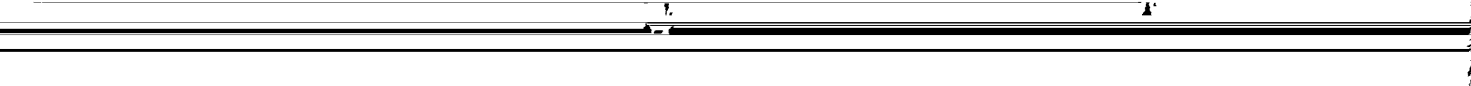
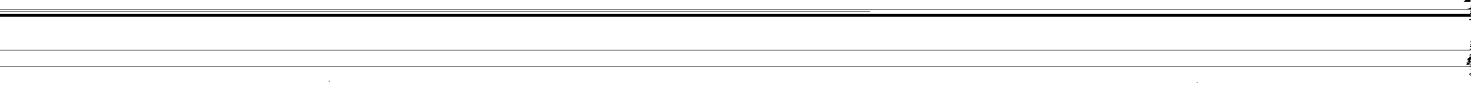
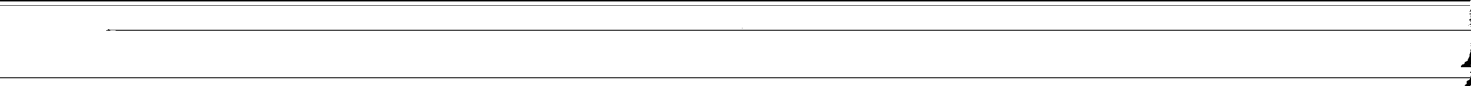
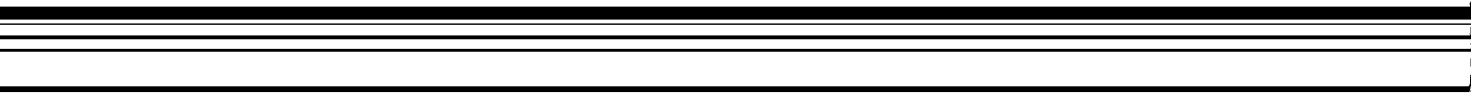
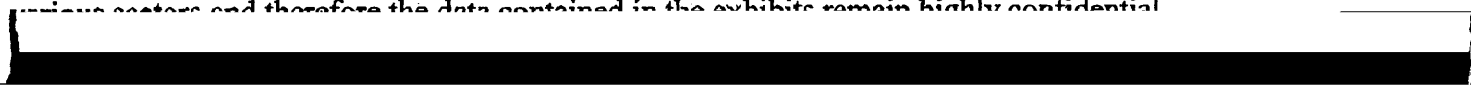


commercially sensitive business information. The disclosure of information in Exhibit 1 would

have a detrimental effect on Advocate's ability to negotiate in a competitive environment as its

contracting strategy.

confidential. (See AHHC 000366-70, 000372-73; AHHC000377-81; 000383-84;  
AHHC000388-92; 000394-95). Advocate continues to use this data in analyzing its growth in  
various sectors and therefore the data contained in the exhibits remain highly confidential



substantial amount of time in negotiating. In addition, the first page of Exhibit 10 (ALGH 001675) also sets forth amended terms of the agreement between the parties which Advocate believes is confidential as it discloses the negotiated terms and conditions between itself and an insurance network

9. Exhibit 9 (RX-0195) is an amendment to an agreement between one of the Advocate hospitals and RushPrudential HMO, Inc. The amendment is dated December 16,

1996 and is meant to be in effect. The two page document sets forth the confidential agreement



believes that its retention policy is confidential and should not be disclosed to its competitors or other entities.

11 Exhibit 12 (RX-1088) and 20 (RX-0297) is an agreement between one of

Advocate's hospitals and Health Care Service Corporation (i.e. Blue Cross Blue Shield of Illinois) (Exhibit 12 is the one page cover sheet to the agreement). The agreement is dated September 10, 1987 and is currently in effect. Advocate believes that the terms of the agreement

are confidential and should not be disclosed as the disclosure of the agreement would reveal

Advocate's negotiating and contracting processes to its competitors. Moreover, the agreement

competitors and insurance networks would be privy to confidential information and Advocate's contracting strategy. The agreement also provides that Advocate may not disclose specific rates to a member. (ALGH 001272).

13. Exhibit 15 (RX-0072) is an agreement between one of Advocate's hospitals and Community Care Network, Inc. The agreement is dated October 1, 1994 and is currently in effect. Advocate believes that the terms of the agreement are confidential and should not be

disclosed as the disclosure of the agreement would reveal Advocate's negotiating and contracting



in a competitive disadvantage for Advocate. Moreover, the agreement contains fee schedules and compensation information (See ALGH 000607-09, 0620-22) which is highly confidential

~~\_\_\_\_\_ sensitive business information. The disclosure of information in Exhibit 22.~~

would have a detrimental effect on Advocate's ability to negotiate in a competitive environment

be entered or agreed upon prior to the production of information or documents similar to the

information and documents contained in Exhibits 1-22.

19. The information contained in Exhibits 1 through 22 is material to Advocate's business and competitive position in the market. Disclosure of the information contained in the documents would result in a loss of business advantage and cause serious irreparable injury to Advocate. The disclosure of said information would provide Advocate's competitors and/or payors with information that is confidential and critical to Advocate's business.

I declare, under penalty of perjury, that the above statements are true and correct.