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## Introduction

Jse certain confidential United documents of notontial trial and it is a ł, Michael Ile from Jeff Dahnke, dated December 13, 2004 ("Dahnke Letter"), attached as Exhibit 2. Complaint Counsel's list included 10 exhibits On Desember 14 2004 counsel for Resnondents Evanston Northwestern Haulthans Com

On December 13, 2004, Complaint Counsel notified United of its intent to

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	clearly defined serious injury to United thus justificing in a series of the series of
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of documents not related expressly to United's negotiations with ENH and previously

standard articulated by the Commission in In re Kaiser Aluminum & Chem. Corp., 103

F.T.C. 500 (1984), General Foods Corp., 95 F.T.C. 352 (1980), Bristol-Myers Co., 90

F.T.C. 455 (1977) and H.P. Hood & Sons Inc. 58 F.T.C. 1184 (1061)

# Argument

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	and sufficiently material to [the party's] business that disclosure would result in serious	
	comnetitive injury" Concret Ford Comments of FUT Concrete the second sec	

Camera Treatment of Documents Listed on Parties' Exhibit Lists at 1 (F.T.C. Jan. 24, 2002).3

#### IN CAMERA TREATMENT IS WARRANTED FOR CERTAIN UNITED I. **DOCUMENTS**

#### Contracts, Pricing, Negotiations and Related Materials Α.

The reimbursement rates that United pays to providers and the terms

related to those rates are central to the maintenance of its provider networks and, by

	extension its competitive position. The contracto between II. 1.
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	Disclosing reimbursement rates and related materials to ENH and the	
	public at large could cause serious injury to United, not only in future negotiations, but	
	also immediately after disclosure. Indeed, it is possible that providers who are unhappy	
	with their current reimbursement rates would use the rates noid to other providers of a	
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Documents are kept in locked files, and only certain individuals have access to the

systems where the information is stored. Foucré Aff. at ¶10. Therefore, United requests

current operations and competitive position, United requests that the documents be

afforded in camera protection for a period of five years.

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## II. IN CAMERA TREATMENT IS ALSO WARRANTED FOR POSSIBLE TRIAL TESTIMONY BY UNITED'S REPRESENTATIVES

Counsel for the Federal Trade Commission has designated United

employee. Illian Fourréas a notential trial witness \_Among the toniog about which

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Dated: January 4, 2004

Respectfully submitted,

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Christine P. Hsu, Esq. WEIL, GOTSHAL & MANGES LLP 1501 K Street Suite 100 Washington, DC 20005-1411

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Counsel for Non-Party United HealthCare of Illinois, Inc.

## **CERTIFICATE OF SERVICE**

I, Anant Raut, hereby certify that on January 7, 2005, I caused a true and correct copy of United HealthCare of Illinois, Inc.'s Public Record version of their Motion for In Camera Treatment of Confidential and Competitively Sensitive Documents and Testimony, to be served on the following persons:

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	Hon. Stephen McGuire Chief Administrative Law Judge Federal Trade Commission Room H-112
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### **By Federal Express**

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David Dahlquist Winston & Strawn LLP 35 W. Wacker Drive Chicago, Illinois 60601-9703 Counsel to Evanston Northwestern Healthcare Cornoration.