

PUBLIC RECORD

FOOD TRADE COMMISSION

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Introduction

On December 13, 2004, Complaint Counsel notified United of its intent to
use certain confidential United documents as potential trial exhibits. Complaint

Michael Ile from Jeff Dahnke, dated December 13, 2004 ("Dahnke Letter"), attached as
Exhibit 2. Complaint Counsel's list included 10 exhibits. On December 14, 2004,

counsel for Respondents Evanston Northwestern Healthcare Corporation ("ENH")

of documents not related expressly to United's negotiations with ENH and previously

shared with ENH, attached as Exhibit A to United's Complaint.

clearly defined serious injury to United, thus justifying its claim for injunctive relief.

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 (1961).

Argument

Information is material if it is

and sufficiently material to [the party's] business that disclosure would result in serious

competitive injury." General Foods Corp., 95 F.T.R. 105 (1977).

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

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

A. Contracts, Pricing, Negotiations and Related Materials

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 contracts between United and its

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 paid to other providers as a

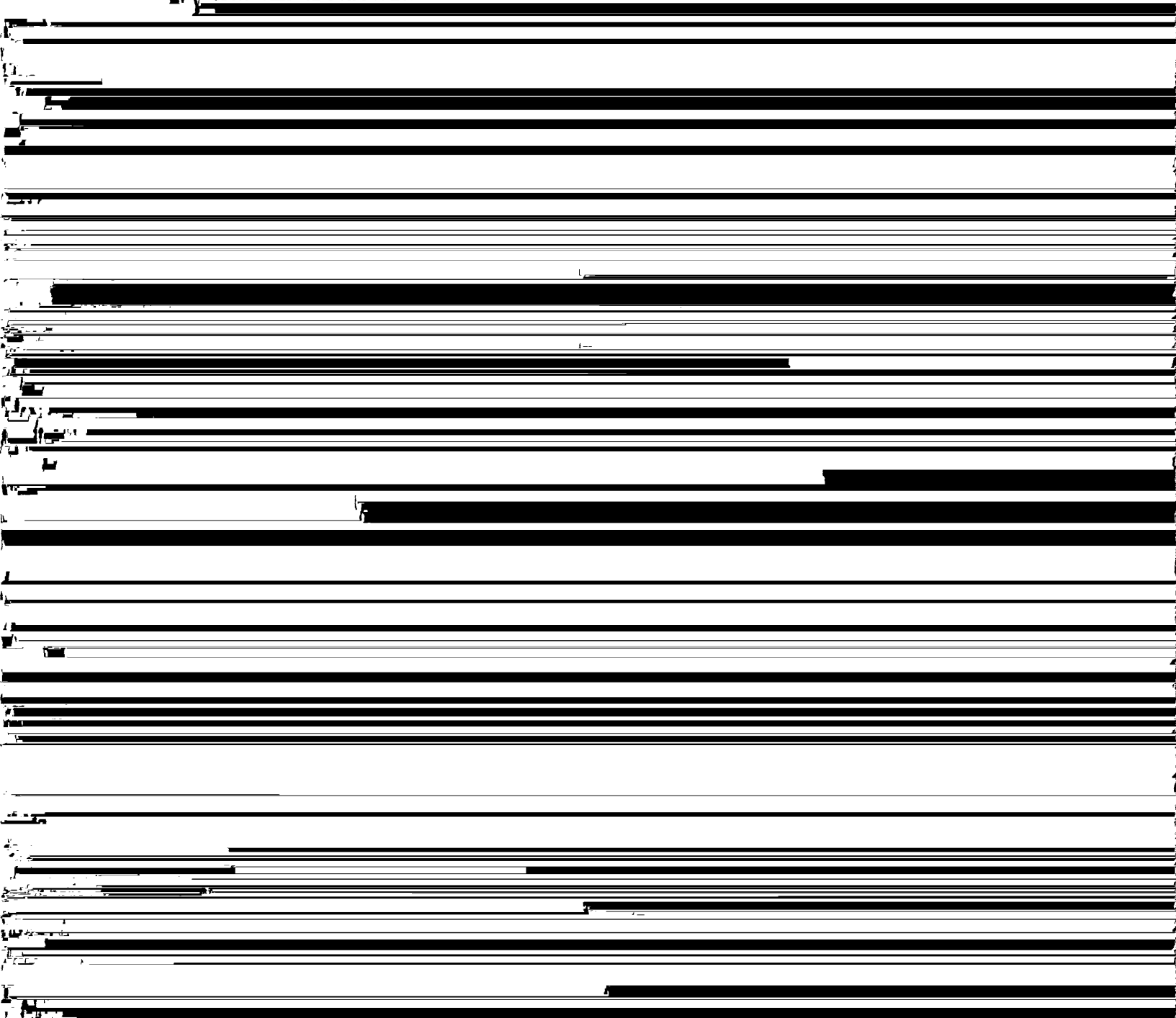
tool for ongoing negotiations with United. Similarly, these rates could be used

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.

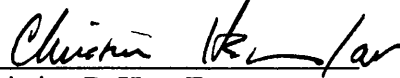
II. *IN CAMERA* TREATMENT IS ALSO WARRANTED FOR POSSIBLE TRIAL TESTIMONY BY UNITED'S REPRESENTATIVES

Counsel for the Federal Trade Commission has designated United employee Lillian Fourcré as a potential trial witness. Among the topics about which



Dated: January 4, 2004

Respectfully submitted,



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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:

By David Dahlquist

Hon. Stephen McGuire
Chief Administrative Law Judge
Federal Trade Commission
Room H-112
600 Pennsylvania Avenue, N.W.

By Federal Express

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