

UNITED STATES OF AMERICA

FEDERAL TRADE COMMISSION
RECEIVED DOCUMENTS

17- [REDACTED]

[REDACTED]

documents. Counsel for ENH states in the Notice that it will consent to the late filing of this motion.

2. RUMC seeks *in camera* treatment for the documents listed in Exhibit B all of which contain prices or price related terms which are the result of extensive negotiations between RUMC and third party payors in the highly competitive Chicago healthcare market. RUMC had previously designated these documents as "Confidential for Attorney's Eyes Only" pursuant to the Protective Order Governing Discovery Material in this matter.

in camera status to confidential business data, so as to avoid competitive injury from the public disclosure of sensitive information. See e.g. *Eaton Yale & Towne*, 79 F.T.C. 998 (1961)

b. Even within RUMC, knowledge of negotiated prices and price related terms is limited .

c. As a result of its diligence to protect the confidentiality

determining RUMC prices or other price related terms such as

third party payor. Public disclosure of these documents would result in clearly defined, serious injury to RUMC, if competing

with the same third party payors.

8. The competitive sensitivity of the information on the documents

RUMC can determine within a reasonable degree of certainty

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing documents was served on counsel for the respondents by electronic mail and first class mail delivery:

Charles B. Klein, Esq.
Winston & Strawn, LLP
1400 L Street NW

Winston & Strawn, LLP
25 West Wacker Drive

Chicago, IL 60601-9703

Thomas H. Brock, Esq.

Exhibit A

Rush Presbyterian St. Luke Hospital Production to FTC²
Third Party Notice List
January 5, 2005

| | | | |
|---------|----------|---|------------------------|
| RX-0838 | 04/03/00 | Managed Care Agreement between Aetna and Rush North Shore. | FTC-ROPH 0000002-63 |
| RX-0929 | 08/31/00 | Letter from Estes to Kniery cc: Elegan, Frankenback et al. re Rush System for Health termination of | FTC-ROPH 0000662 |

Exhibit C

WINSTON & STRAWN LLP

Electronic
Letterhead

202-371-5700

1000 K STREET, N.W. WASHINGTON, D.C. 20004-4041 TEL: 202-371-5700 FAX: 202-371-5701

Exhibit C (cont'd)

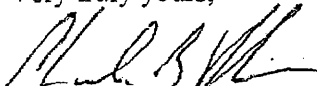
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1188 (1961); *Bristol-Myers Co.*, 90 F.T.C. 455, 456 (1977); and *General Foods Corp.*, 95 F.T.C. 352, 355 (1980).

The Third Revised Scheduling Order dated October 12, 2004 set a deadline for filing motions for *in camera* treatment of any identified documents on January 4, 2005. We

Feel free to call me if you have any questions.

Very truly yours,



Charles B Klein

Attachment

cc: Fredric J. Entin, Esquire
Michael I. Siharium, Esq.

Duane M. Kelley, Esq.
David Dahlquist, Esq.