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536141

UNITED STATES OF AMERICA

In the matter of )  
)  
)

**Inova Health System Foundation,** )  
a corporation, and )

**Prince William Health System, Inc.,** )  
a corporation. )  
)  
)

PUBLIC

Docket No. 9326

**COMPLAINT COUNSEL'S MEMORANDUM IN  
SUPPORT OF MOTION FOR INTERIM PROTECTIVE ORDER**

will be discussed by the court in its findings.

Third parties have submitted, either pursuant to compulsory process or voluntarily in lieu

of compulsory process, and may be asked to submit information to either party in this case that

proposed interim Protective Order. *See* attached Exhibit 1. Complaint Counsel promptly turned

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 22, 2009, I caused the attached document to be filed with the Clerk of the Court.

**Armstrong, Norman**

**From:** David\_Bergman@aporter.com  
**Sent:** Monday, May 12, 2008 2:16 PM  
**To:** Reilly, Matthew J.; Armstrong, Norman; Lang, Thomas  
**Subject:**

"Lang, Thomas"  
<tlang@ftc.gov>

To

CC

"Reilly, Matthew J."

MREILLY@FTC.GOV

Cc: David\_Bergman@aporter.com; David\_Fauvre@aporter.com; Reilly, Matthew  
J.; Armstrong, Norman  
Subject: Re:

Tom,

Our clients agree not to close their transaction before August 1.

This will allow a hearing during the week of July 14.

[REDACTED]

We have not yet seen your e-mail confirmation of the...

closing until after the week of July 14. As we discussed...



**UNITED STATES OF AMERICA**

**FEDERAL TRADE COMMISSION**

PUBLIC

In the Matter of )

INOVA HEALTH SYSTEM FOUNDATION, )

and )

PRINCE WILLIAM HEALTH SYSTEM, INC., )

Respondents. )

Docket

No. 9326

**PROTECTIVE ORDER GOVERNING DISCOVERY MATERIAL**

For the purpose of protecting the interests of the Parties and Third Parties against the

("IFOH"); Inova Mount Vernon Hospital ("IMVH"), Inova Alexandria Hospital ("IAH"), Inova

maps; personnel files and evaluations; information subject to confidentiality or non-disclosure

projections; and proprietary consumer, customer, or market research or analyses applicable to  
current or future market conditions the disclosure of which could reveal Confidential Discovery

information and any other data compilation from which

information can be obtained, and includes all drafts and all copies of such Documents and every

document, including any handwritten notes, which are not appearing on

produce Confidential Discovery Material to any of the Parties. With respect to Confidential Discovery Material of a Third Party that is in the possession, custody, or control of the FTC, or has been produced by the FTC in this Matter, the Producing Party shall mean the Third Party that

has been produced by the FTC in this Matter. The Producing Party shall mean the Third Party that

with its legibility, the notation "CONFIDENTIAL - FTC v. Inova Health System." or (b) any

Report as Filed. Court instructing the court reporter with notice to all Parties within five (5)

business days of the receipt of the transcript to designate as "Confidential" each page of the



requested disclosure or change in designation.

7. The Parties shall not be obligated to challenge the propriety of any designation or

or treatment of Confidential Discovery Material and the failure to do so promptly

shall not preclude any subsequent objection to such designation or treatment, or any motion

seeking permission to disclose such material to Persons not otherwise entitled to access under



Confidential Discovery Material shall not directly or indirectly be disclosed or

otherwise provided to an Expert/Consultant until such person has executed and transmitted to counsel for the party retaining such person a declaration in the form attached as Exhibit "A."

Each Party's counsel shall maintain a file of all such declarations for the duration of the

10. If any Party desires to disclose Confidential Discovery Material to any Persons other than those referred to in paragraph 8 of this Protective Order, the Disclosing Party shall notify the Producing Party any other Party of its desire to disclose such material. The notice

1. The Party of the receipt of such request or its intention to disclose such material. Such notification

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14. In the event that any Confidential Discovery Material is contained in any pleading, motion, exhibit, brief, or other paper filed or to be filed with the Commission, the Party filing the papers shall inform the Commission and the papers shall be filed under seal pursuant to

Rule 3.22, Rule 3.45(e), and Rule 4.10 of the Commission's Rules. Confidential Discovery

Material shall be removed from the Confidential Discovery Material from the Parties and

& 19a or (ii) any Discovery Material which a Producing Party claims should not have been

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19a or (ii) any Discovery Material which a Producing Party claims should not have been

1

19a

Material that are in the possession of that person, together with all notes, memoranda, or other papers containing Confidential Discovery Material.

641 R. L. O. L. in the name of the

Material shall without written permission of

TO THE PROTECTIVE ORDER GOVERNING DISCOVERY MATERIAL

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

In the Matter of )  
 )  
 )

and )

PRINCE WILLIAM HEALTH SYSTEM, INC., )  
 )  
 )

c. that I will use, store and maintain the Confidential Discovery Material in such a way as to ensure its continued protected status; and

~~that upon the termination of communication in this proceeding, I will~~

promptly return all Confidential Discovery Material and all notes,

memoranda, or other papers containing Confidential Discovery Material,

to Complaint Counsel or Respondents' Outside Counsel, as appropriate.