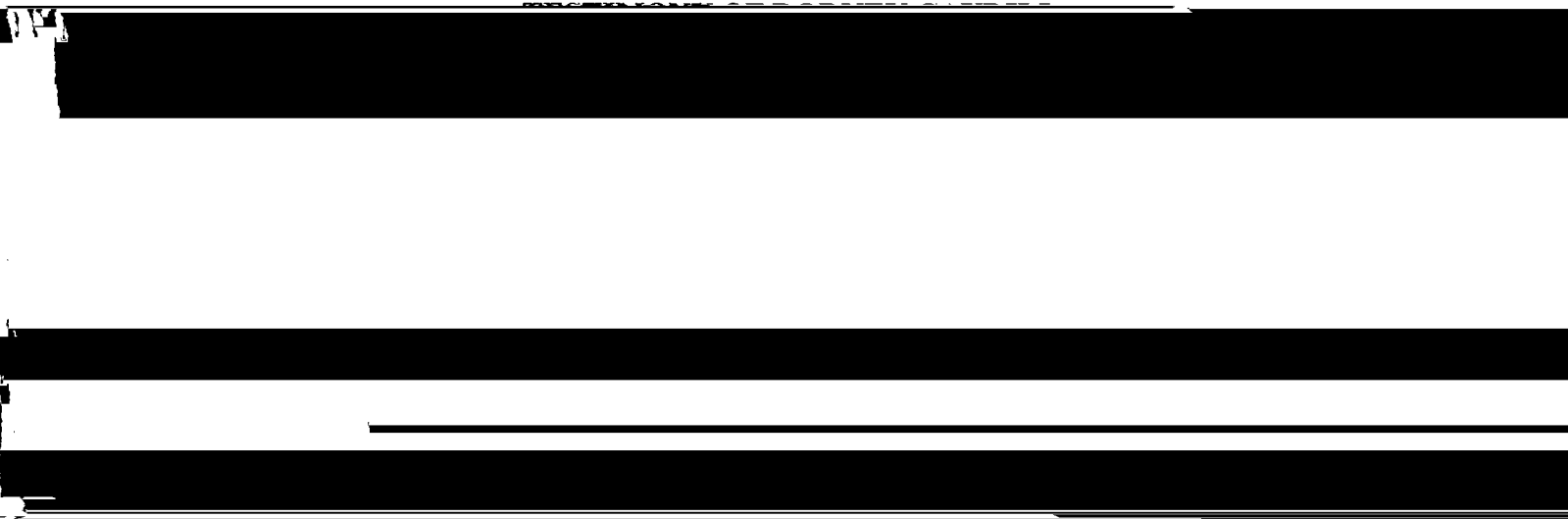


PUBLIC VERSION  
UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

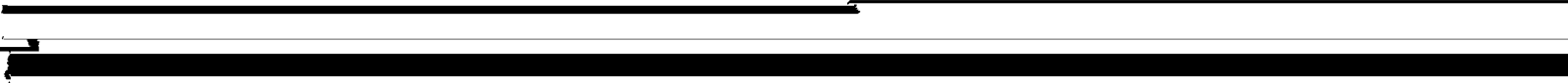
\_\_\_\_\_  
In the Matter of §  
§  
CCC Holdings, Inc. §  
§  
and §  
§  
Aurora Equity Partners III, L.P. §  
\_\_\_\_\_ §

Docket No. 9334

**NON-PARTY PROPERTY DAMAGE APPRAISERS, INC.'S  
MOTION FOR *IN CAMERA* TREATMENT  
OF DOCUMENTS PREVIOUSLY DESIGNATED AS CONFIDENTIAL AND**



Non-Party Property Damage Appraisers, Inc. (“PDA”), files this Motion for *In Camera* Treatment of Documents Previously Designated as Confidential and Testimony of Rodney Caudill, Chief Operating Officer of PDA, pursuant to the Federal Trade Commission Rules of Practice, 16 C.F.R. §3.45(b). PDA respectfully moves for an order directing *in camera* treatment of the documents (Exhibit “A”) previously designated as



result in a clearly defined, serious injury to the person or corporation whose records are

involved." *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961). That showing can be

made by establishing that the documents in question are "confidential" and

very difficult for other entities to access or recreate the information contained in the subject documents. (Id.) These efforts demonstrate that PDA has gone to great lengths to preserve the confidentiality of the information contained in Exhibit "A." (Id.)

**B. Disclosure of the Information in Exhibit "A," and the Testimony of Rodney Caudill Relating Thereto, Would Result in Serious Competitive Injury to PDA**

Exhibit "A" contains detailed statistical and analytical information assembled by PDA relating to the confidential operations of its various offices and franchise system throughout the United States. (Caudill Decl. at ¶4-5) In particular, the documents contain franchisee, pricing, volume and critical timing matters and information relating to the internal and proprietary operations of PDA's offices and franchisee system. (Id.) In addition, the documents contain contractual information relating to PDA's business

operations. The documents contain sensitive contractual pricing strategies and contractual terms relating to PDA's software licensing arrangements. (Id.) In particular, the contract itself, is a product of negotiations over extended periods of time and reflects the contracting strategies and financial modeling used by PDA in its contractual relationships with its providers. PDA designated the subject documents as "CONFIDENTIAL" because they specify detailed information about PDA's franchise operations and sensitive contractual matters. (Caudill Decl. at ¶2) Public access to

PDA's confidential information is a trade secret of PDA.

**Likelihood of Serious Competitive Harm to PDA**

PDA deserves “special solicitude” as a non-party requesting *in camera* treatment for its confidential business information. See *In the Matter of Kaiser Aluminum & Chemical Corporation*, 103 F.T.C. 500, 500 (1984). Reasonable periods of *in camera* treatment encourage non-parties to cooperate with future discovery requests in adjudicative proceedings. *Id.* PDA has cooperated with the discovery demands in this case, and has taken steps to facilitate access of the parties to highly sensitive non-party

reflect current pricing and contract terms. Moreover, the market is such that even disclosure of terms of contracts no longer in force creates an unreasonable and unnecessary risk of harm to PDA. (Caudill Decl. at ¶5) PDA is not a party to this

proceeding. Accordingly, PDA requests the Court to grant its motion for summary judgment.

**CERTIFICATE OF SERVICE**

I, David P. Shute, hereby certify that on this 11<sup>th</sup> day of March, 2000, I caused

the foregoing Motion for *In Camera* Treatment of Documents Previously Designated as Confidential and Testimony of Rodney Caudill, the supporting Declaration of Rodney Caudill and exhibit(s), and the Proposed Order to be filed and/or served as follows:

a copy of the Public Record version sent overnight delivery to:

Donald S. Clark  
Secretary of the Commission  
Federal Trade Commission  
600 Pennsylvania Ave., NW  
Room H-135  
Washington, D.C. 20580

the original and one copy of *In Camera* version sent overnight delivery to:

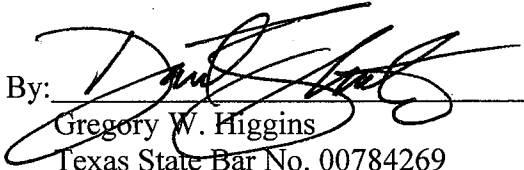
The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue NW

Washington, D.C. 20580

a copy of *In Camera* version sent overnight delivery to:  
counsel for CCC Holdings Inc.

Adam Wilson  
Gibson, Dunn & Crutcher LLP  
555 Mission Street, Suite 3000

HIGGINS & SHURTZ, PLLC

By:   
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Texas State Bar No. 00784269

David F. Shurtz

Texas State Bar No. 50511675

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East Worth, Texas 76120

Telephone: 817/564-4130

Facsimile: 817/546-1167

**ATTORNEYS FOR PROPERTY  
DAMAGE APPRAISERS, INC**

**Exhibit 1**  
**REDACTED**



**Exhibit “A”**

**REDACTED**

[REDACTED]

BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of §  
§  
§  
§

CCC Holdings, Inc.

[REDACTED]

and §  
§  
§  
§

Docket No. 9334

Account Executive, Department III, I, D

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§

[Proposed] Order

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

DATED: \_\_\_\_\_