UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRA TIVE LAW JUDGES

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In the Matter of )
)
The North Carolina Board of ) DOCKET NO. 9343
Dental Examiners, )
Respondent. )

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PROTECTIVE ORDER GOVERNING DISCOVERY MATERIAL

Commission Rule 3.31 (d) states: "In order to

ATTACHMENT A

For the purpose of protecting the interests ofthe parties and third parties in the above-captioned matter against improper use and disclosure of confidential information submitted or produced in connection with this matter:

IT IS HEREBY ORDERED THAT this Protective Order Governing
Confidential Material ("Protective Order") shall govern the handling of all Discovery
Material, as hereafter defined.

1. As used in this Order, "confidential material" shall refer to any document or portion
thereofthat contains privileged, competitively sensitive information, or sensitive personal
information. "Sensitive personal information" shall refer to, but shall not te.005Tj�2 0 0 11.6 ivl-1.1.409 0

6. Material may be designated as confidential by placing on or affixing to the document containing such material (in such manner as will not interfere with the legibility thereot), or if an entire folder or box of documents is confidential by placing or affixing to that folder or box, the designation "CONFIDENTIAL-FTC Docket No. 9343" or any other appropriate notice that identifies this proceeding, together with an indication ofthe portion or portions ofthe document considered to be confidential material. Confidential information contained in electronic documents may also be designated as confidential by placing the designation "CONFIDENTIAL-FTC Docket No. 9343" or any other appropriate notice that identifies this proceeding, on the face ofthe CD or DVD or other medium on which the document is produced. Masked or otherwise redacted copies of documents may be produced where the portions deleted contain privileged matter, provided that the copy produced shall indicate at the appropriate point that portions have been deleted and the reasons therefor.

7. Confidential material shall be disclosed only to: (a) the Administrative Law Judge presiding over this proceeding, personnel assisting the Administrative Law Judge, the Commission and its employees, and personnel retained by the Commission as experts or consultants for this proceeding; (b) judges and other court personnel of any court having jurisdiction over any appellate proceedings involving this matter; (c) outside counsel of record for any respondent, their associated attorneys and other employees oftheir law firm( s), provided they are not employees of a respondent; (d) anyone retained to assist outside counsel in the preparation or hearing ofthis proceeding including consultants, provided they are not affiliated in any way with a respondent and have signed an agreement to abide by the terms ofthe protective order; and ( e) any witness or deponent who may have authored or received the information in question.

8. Disclosure of confidential material to any person described in Paragraph 7 ofthis Order shall be only for the purposes ofthe preparation and hearing ofthis proceeding, or any appeal therefrom, and for no other purpose whatsoever, provided, however, that the Commission may, subject to taking appropriate steps to preserve the confidentiality of such material, use or disclose confidential material as provided by its Rules of Practice; sections 6(t) and 21 ofthe Federal Trade Commission Act; or any other legal obligation imposed upon the Commission.

9. In the event that any confidential material is contained in any pleading, motion, exhibit or other paper filed or to be filed with the Secretary ofthe Commission, the Secretary shall be so informed by the Party filing such papers, and such papers shall be filed in camera. To the extent that such material was th13 to

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10. If counsel plans to introduce into evidence at the hearing any document or transcript containing confidential material produced by another party or by a third party, they shall provide advance notice to the other party or third party for purposes of allowing that party to seek an order that the document or transcript be granted in camera treatment. If that party wishes in camera treatment for the document or transcript, the party shall file an appropriate motion with the Administrative Law Judge within 5 days after it receives such notice. Except where such an order is granted, all documents and transcripts shall be part of the public record. Where in camera treatment is granted, a duplicate copy of such document or transcript with the confidential material deleted therefrom may be d m