

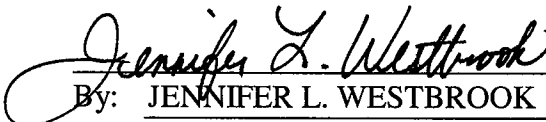
UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

ORIGINAL

[REDACTED]

Respectfully submitted,

Dated December 9, 2010



By: JENNIFER L. WESTBROOK

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CERTIFICATE OF SERVICE

I, Jennifer Westbrook, hereby certify that I served a true and correct copy of the

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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UNITED STATES OF AMERICA

OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)

Ardagh Group S.A.,)
a public limited liability company, and)

) Docket No. 9356

) **PUBLIC**
)

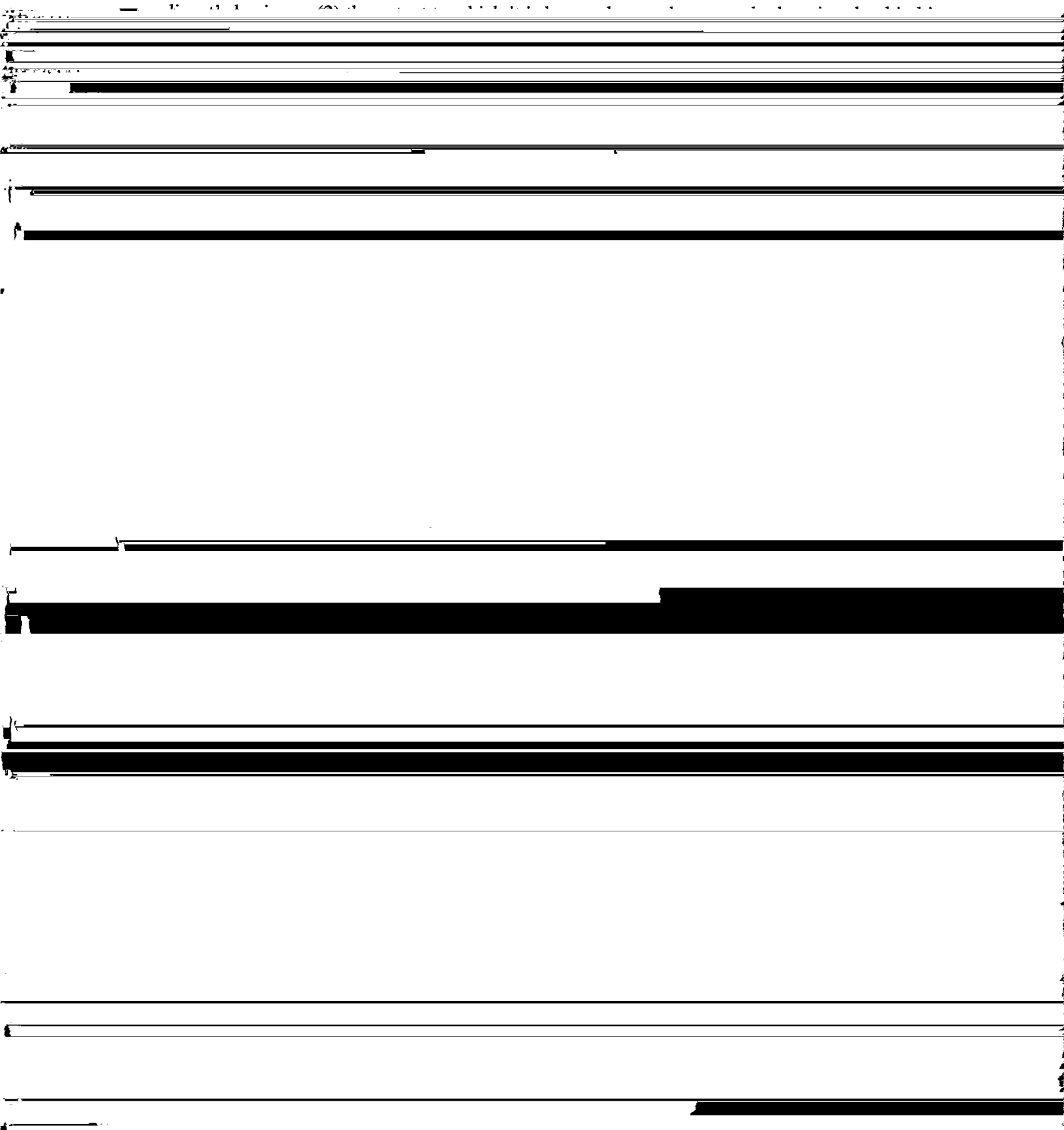
notified Constellation that they intend to introduce certain Constellation documents into evidence at the administrative hearing in this matter.

Constellation seeks *in camera* treatment of these proposed exhibits because they are confidential, competitively sensitive documents that relate to Constellation's business strategy and present and future operations. Public disclosure would result in a serious competitive injury

to Constellation. Counsel for Constellation has submitted a list of exhibits that are confidential and competitively sensitive.

deposition excerpt identified in Table 1 and have determined that they qualify under the

omitted). In making this determination, administrative courts review six factors to determine secrecy and materiality: (1) the extent to which the information is known outside of the



Third, Constellation has carefully guarded the secrecy of these materials. (See, e.g.,

~~Liowski Decl. ¶¶ 2-3.) Constellation was compelled to produce the material pursuant to the~~

discovery process, but otherwise has not publically disclosed the information found within the
confidential documents or discussed during Mr. Liowski's deposition

financial documents would give competitors an improper glimpse into the Constellation's day-

to-day operations and strategic decision-making, and give them a competitive advantage for future planning and budgeting. (*See, e.g.*, Lijewski Decl ¶¶ 5-18.)

The tribunal may infer, “without a specific showing of how a competitor would use it, that disclosure of allegedly sensitive information would seriously affect the firm’s commercial

position. Underlying this analysis is a general concern for the firm’s competitive position.

non-parties' sales information that was five years old). Extending *in camera* treatment in

~~appropriate cases and for appropriate periods of time.~~

future discovery requests. *Id.* Although Constellation has complied with the discovery requests in this administrative proceeding, "public understanding of this proceeding does not depend on access" to Constellation's confidential information. *Id.* Therefore, the balance of interests

~~weighs in favor of in camera protection for Constellation's documents.~~

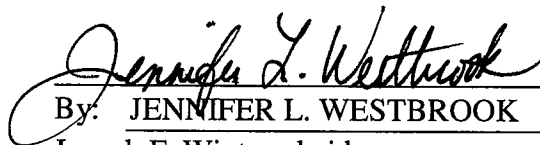
VI. Conclusion

REDACTED

the proposed exhibits identified in Table 1.

Dated: December 9, 2013

Respectfully submitted,


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CERTIFICATE OF SERVICE

I, Jennifer Westbrook, hereby certify that I served a true and correct copy of the foregoing Non-party Constellation Brands, Inc.'s Memorandum in Support of Its Motion for *In Camera* Treatment of Proposed Trial Exhibits, Public Version, upon the following individuals by hand on December 9, 2013.

Hon. D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW

Washington, DC 20580

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Room 172
Washington, DC 20580

I, Jennifer Westbrook, hereby certify that I served a true and correct copy of the foregoing Non-party Constellation Brands, Inc.'s Memorandum in Support of Its Motion for *In Camera* Treatment of Proposed Trial Exhibits, Public Version, upon the following individuals by electronic mail on December 9, 2013.

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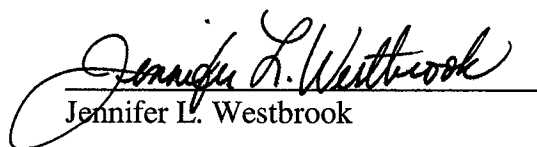
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Saint-Gobain Containers, Inc.*

DM_US 47289703-1.025309.0011


Jennifer L. Westbrook

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)

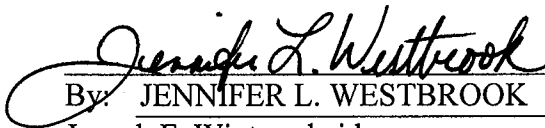
Ardagh Group S.A.,)
a public limited liability company, and)

Compagnie de Saint-Gobain, a corporation,)
and)

Docket No. 9356

Respectfully submitted,

Dated: December 9, 2013



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UNITED STATES OF AMERICA

BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
)
)

Ardagh Group S.A.,)
a public limited liability company, and)

Compagnie de Saint-Gobain, a corporation,)
and)
)

Saint-Gobain Containers, Inc., a)
corporation.)
)

Docket No. 9356

**[PROPOSED] ORDER GRANTING NON-PARTY
CONSTELLATION BRANDS, INC.'S MOTION
FOR IN CAMERA TREATMENT OF PROPOSED TRIAL EXHIBITS**

U.S. DEPARTMENT OF JUSTICE, FEDERAL TRADE COMMISSION, WASHINGTON, D.C. 20540

PX Number	DX Number	Length of <i>In Camera</i> Treatment	Expiration of <i>In Camera</i> Treatment
	DX757	Five Years	December 9, 2018
PX4346	DX648	Five Years	December 9, 2018
PX4347		Five Years	December 9, 2018
PX4348		Five Years	December 9, 2018

DECLARATION OF PETER LIJEWSKI

REDACTED IN ITS ENTIRETY

**TABLE 1 TO NON-PARTY CONSTELLATION BRANDS, INC.'S MOTION
FOR *IN CAMERA* TREATMENT OF PROPOSED TRIAL EXHIBITS**

REDACTED IN ITS ENTIRETY

REDACTED IN ITS ENTIRETY