

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

In the Matter of

Otto Bock HealthCare North America, Inc.,
a corporation,

Respondent.

Docket No. 15

ORIGINAL

NON-PARTY HANGER, INC.'S MOTION FOR *IN CAMERA* TREATMENT

Pursuant to 16 C.F.R. § 3.45(b), non-party Hanger, Inc. (“Hanger”) respectfully moves for *in camera* treatment as described herein for the twenty-eight competitively sensitive, confidential business documents and testimonial transcripts attached as Exhibit D (the “Confidential Documents”). Hanger provided the Confidential Documents to Complaint Counsel and to Respondent Counsel (“Otto Bock”) under compulsory process. The Confidential Documents have all been designated as “Confidential” under the December 20, 2017 Protective Order (the “Protective Order”). These materials reflect some of Hanger’s most sensitive business secrets, and their public disclosure would cause serious, and potentially irreparable, harm to Hanger. Hanger therefore respectfully requests that these materials be afforded *in camera* treatment indefinitely or, alternatively, for a period of ten years.

In support of this Motion, Hanger incorporates the Declaration of its Senior Vice President, General Counsel and Secretary, Thomas Hartman (“Decl.”), attached as Exhibit A.

INTRODUCTION

Hanger is a publicly-traded corporation whose primary businesses are engaged in the provision of prosthetic and orthotic patient-care services and products. Decl. ¶ 3. Hanger is a significant purchaser of microprocessor prosthetic knees (“MPKs”). Hanger has approximately

800 “Hanger Clinic” locations, and purchases MPKs for use by Hanger’s own employed clinicians. *Id.* Hanger also has a wholly owned subsidiary—Southern Prosthetic Supply, Inc. (“SPS”)—that among other things distributes prosthetic products, including MPKs. *Id.*

Hanger and SPS have received and cooperated with ten separate subpoenas and one civil investigative demand in connection with this case. At significant cost and burden, Hanger has produced 1,600 pages of confidential business documents and generated several customized data reports; and Hanger’s President and Chief Executive Officer has sat for an investigational hearing and given two more days of testimony in both his personal capacity and as the corporate designees of Hanger and SPS. Hanger has consistently invoked the confidentiality protections afforded it under the Protective Order and the Commission’s statutes and rules. All of the documents, data, and testimony that Hanger has given the parties have been designated as “Confidential” or “Confidential—Business Information,” as appropriate. *Id.* ¶ 12.

Complaint Counsel has designated thirteen Hanger documents as potential trial exhibits. *See Exhibit B.* Otto Bock has designated forty Hanger documents (including the documents designated by Complaint Counsel) as potential trial exhibits. *See Exhibit C.*

THE CONFIDENTIAL DOCUMENTS

Hanger has carefully reviewed the forty Hanger documents and deposition transcripts designated as potential trial exhibits. In undertaking this review, Hanger not only endeavored to identify those documents that are truly secret and material to Hanger’s business, but moreover differentiated between documents that are secret and material in full from those that are only secret and material in part. Based on upon this review, Hanger seeks *in camera* treatment in full or in part for twenty-eight of the forty documents designated as potential trial exhibits. Specifically, Hanger seeks *in camera* treatment in full for PX03206/RX-0415; RX-0638; RX-

0709; PX03205/RX-0782; RX-0787; RX-0556; PX03210/RX-0597; RX-0617; RX-0676; RX-0711; RX-0001; RX-0002; RX-0490; RX-0887; RX-0552; RX-0557; RX-0560; PX03271/RX-0703; PX03203/RX-0877; RX-0886; RX-0976; and RX-0977. Hanger seeks *in camera* treatment in part for RX-0332,¹ RX-0715,² PX03274/RX-0347,³ RX-0994,⁴ PX05153A/RX-1021,⁵ and PX05153B/RX-1022.⁶

ARGUMENT


A. Legal Standard.

In camera treatment may be afforded to any business documents that are “sufficiently secret and sufficiently material to the applicant’s business that disclosure would result in serious competitive injury.” *In re Jerk, LLC*, 2015 FTC LEXIS 39, at *2 (Feb. 23, 2015) (quotation marks omitted). To demonstrate a likelihood of serious competitive injury, the applicant must

¹ Hanger seeks *in camera* treatment only for pages HANGER-SDT-0001414, HANGER-SDT-0001420 through HANGER-SDT-0001422, and HANGER-SDT-0001523 through HANGER-SDT-0001524.

² Hanger seeks *in camera* treatment only for pages HANGER-SDT-0001538, HANGER-SDT-0001569, and HANGER-SDT-0001570.

³ Hanger seeks *in camera* treatment for only one page: HANGER-SAT-007.

⁴ Hanger seeks *in camera* treatment for lines 11:25-12:11; 12:19-15:3; 25:2-27:10; 29:3-52:13; 53:8-56:12; 57:1-60:4; and for selected excerpts of the transcript word index identified in Exhibit D. 

⁵ Hanger seeks *in camera* treatment for lines 27:16-29:9; 29:25-42:25; 45:8-49:2; 50:17-58:24; 60:3-60:20; 71:9-98:18; 104:4-106:6; 108:21-109:16; 110:11-112:1; 112:21-114:10; 115:15-115:21; 116:4-116:20; 117:17-119:17; 121:2-132:5; 134:22-171:14; 175:2-179:13; and for selected excerpts of the transcript word index identified in Exhibit D. See Decl. ¶ 48.

⁶ Hanger seeks *in camera* treatment for lines 19:6-19:21; 41:20-42:17; 44:14-49:10; 50:5-52:12; 53:16-54:3; 55:8-59:7; 62:1-120:11; 122:4-154:12; 157:1-172:13; 176:7-178:11; 179:20-184:15; 192:6-198:13; 200:9-203:5; 204:23-214:22; 215:15-222:21; 224:19-231:22; and for selected excerpts of the transcript word index identified in Exhibit D. See Decl. ¶ 48.

show that “the documents in question are secret and material to the applicant’s business.” *In re Bristol-Myers Co.*, 90 F.T.C. 455, 1977 FTC LEXIS 25, at *4 (Nov. 11, 1977). “The likely loss of business advantages is a good example of a ‘clearly defined, serious injury.’” *In re Hoechst Marion Roussel, Inc.*, 2000 FTC LEXIS 138, at *6 (Sept. 19, 2000).

The Court considers six factors in making its determination:

(1) the extent to which the information is known outside of [the applicant’s] business; (2) the extent to which it is known by employees and others involved in [the] business; (3) the extent of measures taken by [the applicant] to guard the secrecy of the information; (4) the value of the information to [the applicant] and to [its] competitors; (5) the amount of effort or money expended by [the applicant] in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

In re Bristol-Myers Co., 90 F.T.C. 455, 1977 FTC LEXIS 25, at *5. The first three of these factors consider the secrecy of the information for which *in camera* treatment is sought, and the last three consider the materiality of the information.

B. The Confidential Documents Contain Hanger’s Business Secrets.

The Confidential Documents consist of five categories of Hanger’s secret business information: Hanger’s internal business presentations;⁷ its internal business communications;⁸ its third-party payor and supplier contracts;⁹ its internal program information and data analyses;¹⁰

⁷ Specifically, RX-0332; PX03206/RX-0415; RX-0638; RX-0709; RX-0715; PX03205/RX-0782; and RX-0787. Decl. ¶ 18.

⁸ Specifically, RX-0556; PX03210/RX-0597; RX-0617; RX-0676; and RX-0711. Decl. ¶ 26.

⁹ Specifically, RX-0001; RX-0002; RX-0490; and RX-0887. Decl. ¶ 32.

¹⁰ Specifically, PX03274/RX-0347; RX-0552; RX-0557; RX-0560; PX03271/RX-0703; PX03203/RX-0877; RX-0886; RX-0976; and RX-0977. Decl. ¶ 37.

and testimony from its President and Chief Executive Officer about Hanger's business.¹¹ Decl. ¶¶ 17-48. Each of these categories contains Hanger's competitively sensitive business secrets. *Id.* ¶ 17. Hanger's corporate policy is not to share its business secrets with customers or suppliers—much less to share them with Hanger's competitors or the general public. *Id.* ¶ 14.

[REDACTED]

When requested to release the Confidential Documents to Complaint Counsel and Otto Bock in connection with this matter, Hanger only did so under compulsory process, and it invoked the confidentiality protections afforded under the Protective Order and the Commission's statutes and rules. Among other things, Hanger's testimony, documents, and data were designated as "Confidential" and/or "Confidential—Business Information." *Id.* ¶ 12.

In short, the information in the Confidential Documents is not known outside of Hanger's business (except for contracts, which are kept confidential with respect to third parties). Even within Hanger, the information is kept on a limited, need-to-know basis. The Confidential Documents were only released under compulsory process, and subject to the Protective Order. The Confidential Documents are business secrets, and *in camera* treatment is necessary to ensure that they remain so.

¹¹ Specifically, the selected portions of RX-0994; PX05153A/RX-1021; and PX05153B/RX-1022. Decl. ¶¶ 47-48.

C. Disclosure of the Confidential Documents Would Cause Hanger Serious Competitive Harm.

All five categories of Confidential Documents described above would cause Hanger serious harm if released to the public. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Finally, the testimony from Hanger's President and Chief Executive Officer about Hanger's business is also highly sensitive. [REDACTED]

[REDACTED]

The information in the Confidential Documents is extremely valuable to Hanger. If disclosed publicly, Hanger would lose business advantage compared to suppliers and against competitors. *See In re Hoechst Marion Roussel, Inc.*, 2000 FTC LEXIS 138, at *6 ("The likely loss of business advantages is a good example of a clearly defined, serious injury."). The Confidential Documents also contain business information that has been developed by Hanger through the expenditure of significant time and expense, and is not information that could be reasonably acquired or duplicated by others. Decl. ¶ 10. Accordingly, *in camera* treatment of the Confidential Documents is necessary to protect Hanger from serious competitive harm.

D. Hanger's Status As A Third Party Weighs in Favor of In Camera Treatment.

As one additional consideration, the Commission has recognized that, "[a]s a policy matter, extensions of confidential or *in camera* treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery requests." *In re*

Kaiser Aluminum & Chemical Corp., 103 F.T.C. 500, 1984 FTC LEXIS 60, *2-*3 (May 25, 1984). Here, where Hanger has complied with ten subpoenas and one civil investigative demand at great cost and effort, Hanger's request for *in camera* treatment "deserve[s] special solicitude." *Id.* at *2.

E. **The Confidential Documents Should Be Afforded *In Camera* Treatment Indefinitely or, Alternatively, for At Least Ten Years.**

Hanger respectfully requests that the Confidential Documents be kept *in camera* indefinitely or, alternatively, for at least ten years. Indefinite *in camera* treatment is appropriate where "the circumstances which presently give rise to [an] injury are likely to be forever present." *In re E.I. DuPont de Nemours & Co.*, 1990 FTC LEXIS 134, at *3 (Apr. 25, 1990). Here, the Confidential Documents include Hanger's third-party payor and supplier contracts,

[REDACTED]

[REDACTED] Because the competitive sensitivity of these contracts is not likely to decrease with time, Hanger respectfully requests *in camera* protection over them indefinitely.

Even in the case of non-contract Confidential Documents, Hanger requests *in camera* treatment indefinitely or, alternatively, for at least ten years. [REDACTED]

[REDACTED]

[REDACTED] Compare *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55, at *5-*6 (Apr. 4, 2017) (typical presumptions) with *In re Jerk, LLC*, 2015 FTC LEXIS 39, at *4 ("[I]n some unusual cases the competitive sensitivity ... will not necessarily diminish, and may actually increase, with the passage of time."

(quotation omitted)). Hanger respectfully submits that the detailed information contained in the Confidential Documents—including granular supplier, volume, price, and strategies for the future—deserves no less than ten years *in camera* treatment. See *In re Jerk, LLC*, 2015 FTC LEXIS 39, at *14-*15 (granting indefinite *in camera* treatment to competitively sensitive, non-trade-secret, business documents); *In re Tronox Ltd.*, 2018 FTC LEXIS 78, at *14-*25 (May 15, 2018) (affording ten-year *in camera* treatment to business documents); *In re E.I. DuPont de Nemours & Co.*, 1990 FTC LEXIS 134, at *5-*6 (same).

PRAYER FOR RELIEF

Hanger respectfully requests that the Confidential Documents be granted *in camera* treatment indefinitely or, alternatively, for at least ten years.

Additionally, Hanger respectfully requests that any party that offers any Hanger documents for which *in camera* treatment has been granted into evidence first specify on the record that such documents have been granted such treatment, and limit any discussion of such documents to an *in camera* session. Finally, Hanger respectfully requests that all of its documents for which *in camera* treatment is granted also continue to be treated as confidential under the Protective Order, such that they may only be disclosed to those persons identified in Paragraph 7 of the Protective Order. See generally *In re Tronox Ltd.*, 2018 FTC LEXIS 78, at *33-*34 (granting these same conditions).

Dated: June 11, 2018

Respectfully submitted,

s/Alan D. Rutenberg

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Counsel for Hanger, Inc.

CERTIFICATE OF SERVICE

I, Benjamin R. Dryden, certify that on June 11, 2018, I caused to be served the following documents on the parties listed below by the manner indicated:

- **NON-PARTY HANGER INC'S MOTION FOR *IN CAMERA* TREATMENT (Public Version and Non-Public Version) AND ATTACHMENTS**

The Office of the Secretary (both non-public and public versions by email)

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s/ Benjamin R. Dryden

Exhibit A

(Redacted)

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

In the Matter of

Otto Bock HealthCare North America, Inc.,
a corporation,

Respondent.

Docket No. 9378

DECLARATION OF THOMAS E. HARTMAN

I, Thomas E. Hartman, hereby declare as follows:

1. I am over eighteen years of age and am competent to testify. I make this declaration pursuant to Federal Trade Commission Rules of Practice § 3.45 and § 4.10(g), in connection with Non-Party Hanger, Inc.'s Motion for *In Camera* Treatment (the "Motion"). This declaration is based upon certain business records of Hanger, Inc. ("Hanger") and on my own personal knowledge.

2. I am the Senior Vice President, General Counsel, and Secretary for Hanger. I have been employed as General Counsel for Hanger since 2009; I was appointed Secretary in 2014 and Senior Vice President in 2015.

3. Hanger is a publicly traded corporation whose primary businesses are involved in the provision of prosthetic and orthotic patient care services and products in the United States. Hanger has two segments: "Patient Care" and "Products & Services." "Hanger Clinic," which is part of Hanger's Patient Care segment, specializes in the provision of orthotic and prosthetic solutions, delivering effective clinical systems, innovative technologies, and customer service to patients each year at approximately 800 patient care clinics nationwide. Among the products that Hanger purchases for fitting on patients by its employed clinicians are microprocessor

prosthetic knees (“MPKs”). Southern Prosthetic Supply, Inc. (“SPS”), which is a wholly owned subsidiary of Hanger and part of Hanger’s Products & Services segment, is a distributor of orthotics and prosthetics products and services, including MPKs. SPS supplies clinics with access to over 300,000 products.

4. Complaint Counsel and Respondent Counsel in the above-captioned matter advised Hanger that they intend to use certain documents and testimony relating to Hanger as potential trial exhibits for the upcoming administrative hearing. As explained in the Motion, Hanger is seeking *in camera* treatment for certain of these documents contained in Exhibit D to the Motion and addressed herein (the “Confidential Documents”).

5. I have reviewed and am familiar with the Confidential Documents contained in Exhibit D.

6. The Confidential Documents consist of (i) certain documents that Hanger produced in response to subpoenas and/or civil investigative demands issued by one or more of the parties in the above-captioned matter, (ii) the transcript of a November 28, 2017 investigational hearing of Vinit Asar, Hanger’s President and Chief Executive Officer (“Mr. Asar”), which Hanger gave pursuant to a subpoena *ad Testificandum* issued by Complaint Counsel; and (iii) transcripts of an April 5-6, 2018 deposition of Mr. Asar—which was also a corporate deposition of Hanger and its subsidiary SPS pursuant to Federal Trade Commission Rule of Practice § 3.33(c)—which Mr. Asar, Hanger, and SPS gave pursuant to subpoenas *ad Testificandum* issued by the parties.

7. Given my positions at Hanger, I am broadly and personally knowledgeable about the competitive significance to Hanger of the information contained in the Confidential Documents.

8. Based on my review of the Confidential Documents, my knowledge of Hanger's business, and my familiarity with the confidentiality that Hanger ascribes to this type of information, I have determined that the disclosure of the Confidential Documents to the public or to Hanger's customers, suppliers, or competitors would cause serious, and in certain cases irreparable, harm to Hanger.

9. The Confidential Documents include highly sensitive business strategy and business information about Hanger, such that if they became public, Hanger would be significantly harmed in its ability to compete in the orthotics and prosthetics industry.

10. The Confidential Documents also include business information that Hanger has developed at significant time, energy, and cost. The Confidential Documents also include confidential business information—like information about Hanger's future strategic plans and highly granular detail about product sourcing—that competitors or others could not reasonably acquire or duplicate.

11. Furthermore, Hanger is a publicly traded company, and it is subject to the securities laws of the United States. The confidential information contained in the Confidential Documents includes non-public information about Hanger's business that, given its importance to Hanger, is "material" within the meaning of United States securities laws. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Accordingly, Hanger places a

very high priority on protecting its confidential information, and takes significant measures as noted below to protect against any unauthorized disclosure of its material, nonpublic business formation.

Hanger's Commitment to Protecting the Confidentiality of Proprietary Information

12. All of the documents for which Hanger seeks *in camera* treatment were provided or produced to Complaint Counsel and to Respondent Counsel in response to compulsory process served on Hanger or Hanger's affiliates. In producing these Confidential Documents to Complaint Counsel and to Respondent Counsel, Hanger specifically invoked its rights under the December 28, 2017 Protective Order in the above-captioned matter (the "Protective Order"), and/or designated the materials as "Confidential." More specifically:

- a. Mr. Asar's Investigational Hearing testimony was produced by Complaint Counsel to Respondent Counsel as "Confidential" under the Protective Order.
- b. Mr. Asar's deposition testimony was designated, at the time it was taken, as "Confidential" under the Protective Order.
- c. All documents with a Bates label beginning with "HANGER.CID" are documents that Hanger produced to Complaint Counsel during the course of Complaint Counsel's investigation. These documents were produced pursuant to compulsory process—specifically, in response to a civil investigative demand. At that time, they were designated as "Confidential – Business Information" and/or "Hanger Confidential."
- d. All documents with a Bates label beginning with "HANGER.SDT" or "HANGER-SDT" are documents that were produced under compulsory process, in response to subpoenas *duces tecum* served by Complaint Counsel and

Respondent Counsel on Hanger and its subsidiary SPS. These documents were designated “Confidential” and produced pursuant to the Protective Order.

- e. All documents with a Bates label beginning with “HANGER-SAT” are documents that were created for purposes of corporate depositions of Hanger and its subsidiary SPS pursuant to subpoenas *ad Testificandum* that were served by Complaint Counsel and Respondent Counsel pursuant to Federal Trade Commission Rule of Practice § 3.33(c). At the time of the corporate deposition, Hanger designated these materials as “Confidential” and/or “Confidential—Business Information,” subject to the Protective Order.

13. Hanger takes the confidentiality of its business and strategic information very seriously and has strict policies in place to protect the confidentiality of information, including information contained in the Confidential Documents, as discussed in more detail below. Very few people within Hanger have access to the sort of competitively sensitive information reflected in the Confidential Documents. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14. It is Hanger’s policy not to divulge in the ordinary course of business any of the information contained in the Confidential Documents to any of its customers or suppliers, much less to any of Hanger’s competitors or to the general public. Hanger considers information in the Confidential Documents to be critical both to its internal business practices as well as to Hanger’s ability to compete in the orthotics and prosthetics industry.

15. Hanger has not released or disclosed any of the confidential information

contained in the Confidential Documents in its filings with the United States Securities & Exchange Commission or in public or private communications with investors.

16. [REDACTED]

The Confidential Documents

17. Each of the documents for which Hanger seeks *in camera* treatment contain competitively sensitive, proprietary, confidential business information about [REDACTED]

[REDACTED] Hanger safeguards this information in the ordinary course of business as described in Paragraphs 12 through 16.

Hanger's Internal Business Presentations

18. As described in the Motion, Hanger seeks indefinite *in camera* treatment, or alternatively, protection for a period of no less than ten years, for the following documents, which are internal business presentations and related internal communications:

Complaint Counsel and/or Respondent Counsel Exhibit No.	Beginning Bates No.	Ending Bates No.	Document Title/Description
RX-0332 ¹	HANGER-SDT-0001414	HANGER-SDT-0001537	
PX03206/ RX-0415	HANGER.SDT.0000019	HANGER.SDT.0000028	
RX-0638	HANGER-SDT-0001258	HANGER-SDT-0001265	
RX-0709	HANGER.SDT.0000042	HANGER.SDT.0000050	
RX-0715 ²	HANGER-SDT-0001538	HANGER-SDT-0001600	
PX03205/ RX-0782	HANGER.SDT.0000001	HANGER.SDT.0000018	
RX-0787	HANGER-SDT-0001274	HANGER-SDT-0001295	

¹ Respondent Counsel provided the full bates range of HANGER-SDT-0001414 through HANGER-SDT-0001537 for this proposed exhibit. However, as explained further, Hanger seeks *in camera* treatment on only HANGER-SDT-0001414, HANGER-SDT-0001420 through HANGER-SDT-0001422, and HANGER-SDT-0001523 through HANGER-SDT-0001524.

² Respondent Counsel provided the full bates range of HANGER-SDT-0001538 through HANGER-SDT-0001600 for this proposed exhibit. However, as explained further, Hanger seeks *in camera* treatment on only HANGER-SDT-0001538, HANGER-SDT-0001569, and HANGER-SDT-0001570.

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19. RX-0332 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. PX03206/RX-0415 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. RX-0638 [REDACTED]

[REDACTED]

22. RX-0709 [REDACTED]

[REDACTED]

[REDACTED]

25. RX-0787.

[REDACTED]



Hanger's Internal Business Communications

26. As described in the Motion, Hanger seeks indefinite *in camera* treatment, or alternatively, protection for a period of no less than ten years, for the following documents, which are internal business communications:

Complaint Counsel and/or Respondent Counsel Exhibit No.	Beginning Bates No.	Ending Bates No.	Document Title/Description
RX-0556	HANGER.SDT.0000793	HANGER.SDT.0000794	
PX03210/ RX-0597	HANGER.SDT.0000827	HANGER.SDT.0000829	
RX-0617	HANGER-SDT-0001182	HANGER-SDT-0001185	
RX-0676	HANGER-SDT-0001251	HANGER-SDT-0001252	
RX-0711	HANGER-SDT-0001000	HANGER-SDT-0001004	

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27. RX-0556 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

28. PX03210/RX-0597 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]

29. RX-0617 [REDACTED]

[REDACTED]

30. RX-0676 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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31. RX-0711 [REDACTED]
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hanger’s Third-Party Payor & Supplier Contracts

32. As described in the Motion, Hanger seeks indefinite *in camera* treatment, or alternatively, protection for a period of no less than ten years, for the following documents, which involve Hanger’s third-party payor and supplier contracts:

Respondent Counsel Exhibit No.	Beginning Bates No.	Ending Bates No.	Document Title/Description
RX-0001	HANGER.SDT.0000147	HANGER.SDT.0000212	[REDACTED]
RX-0002	HANGER.SDT.0000277	HANGER.SDT.0000320	
RX-0490	HANGER.SDT.0000412	HANGER.SDT.0000457	

[REDACTED]

35. RX-0490 [REDACTED]

[REDACTED]

[REDACTED]

36. RX-0887 [REDACTED]

[REDACTED]

Hanger's Internal Program Information and Data Analyses

37. As described in the Motion, Hanger seeks indefinite *in camera* treatment, or alternatively, protection for a period of no less than ten years, for the following documents, which are internal information and data analyses:

Complaint Counsel and/or Respondent Counsel Exhibit No.	Beginning Bates No.	Ending Bates No.	Document Title/Description
PX03274/ RX-0347 ³	HANGER-SAT-007	HANGER-SAT-009	
RX-0552	HANGER-SDT-0001159	HANGER-SDT-0001160	
RX-0557	HANGER-SDT-0001161	HANGER-SDT-0001162	
RX-0560	HANGER-SDT-0001166	HANGER-SDT-0001167	
PX03271/ RX-0703	HANGER-SAT-003	HANGER-SAT-006	
PX03203/ RX-0877	HANGER.CID.0003	HANGER.CID.0003	
RX-0886	HANGER.SDT.0000029	HANGER.SDT.0000029	

³ Complaint Counsel and Respondent Counsel provided this full range for the proposed exhibit. However, as explained further, Hanger seeks confidential treatment for only one page: HANGER-SAT-007.

RX-0976	HANGER.CID.0001	HANGER.CID.0001	[REDACTED]
RX-0977	HANGER.CID.0002	HANGER.CID.0002	[REDACTED]

38. PX03274/RX-0347 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

39. RX-0552 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

40. RX-0557 [REDACTED]

[REDACTED]

41. RX-0560 [REDACTED]

[REDACTED]

[REDACTED]

42. PX03271/RX-0703 [REDACTED]

[REDACTED]

[REDACTED]

43. PX03203/RX-0877 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

44. RX-0886 [REDACTED]

[REDACTED]

[REDACTED]

45. RX-0976 [REDACTED]

[REDACTED]

[REDACTED]

46. RX-0977 [REDACTED]

[REDACTED]

Mr. Asar's Testimony & Deposition Transcripts

47. As described in the Motion, Hanger seeks indefinite *in camera* treatment, or alternatively, protection for a period of no less than ten years, for portions of the three transcripts immediately below. These transcripts reflect the testimony of Mr. Asar at a November 28, 2017 investigational hearing as well as at a April 5-6, 2018 deposition of Mr. Asar (which was also a corporate deposition of Hanger and its subsidiary SPS, both represented by Mr. Asar serving as

corporate designee pursuant to Federal Trade Commission Rule of Practice § 3.33(c)):

Complaint Counsel and/or Respondent Counsel Exhibit No.	Beginning Bates No.	Ending Bates No.	Description
RX-0994	FTC-PROD-004804	FTC-PROD-004934	Investigational Hearing Transcript of Vinit Asar
PX05153A/ RX-1021			Deposition Transcript of Vinit Asar (Vol. 1)
PX05153B/ RX-1022			Deposition Transcript of Vinit Asar (Vol. 2)

48. In these transcripts, Mr. Asar variously testifies about a variety of highly sensitive topics including [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Although Hanger does not seek *in camera* treatment for the entirety of the deposition transcripts, Hanger does seek *in camera* treatment for certain portions of the transcripts that disclose confidential information or that discuss the Confidential Documents indefinitely, or alternatively, for no less than a period of ten years, namely:

Investigational Hearing Transcript

Respondent Counsel Exhibit No.	Page:Line	Nature of the Testimony For Which <i>In Camera</i> Treatment is Requested
RX-0994	11:25 – 12:11	[REDACTED]

RX-0994	12:19 – 15:3	
RX-0994	25:2 – 27:10	
RX-0994	29:3 – 52:13	
RX-0994	53:8 – 56:12	
RX-0994	57:1 – 60:4	
RX-0994	Selected excerpts of word index to the transcript identified in Exhibit D to the Motion	

Deposition Transcript (Vol. 1)

Complaint Counsel/ Respondent Counsel Exhibit No.	Page:Line	Nature of the Testimony For Which <i>In Camera</i> Treatment is Requested
PX05153A/ RX-1021	27:16 – 29:9	
PX05153A/ RX-1021	29:25 – 42:25	

PX05153A/ RX-1021	45:8 – 49:2
PX05153A/ RX-1021	50:17 – 58:24
PX05153A/ RX-1021	60:3 – 60:20
PX05153A/ RX-1021	71:9 – 98:18
PX05153A/ RX-1021	104:4 – 106:6
PX05153A/ RX-1021	108:21 – 109:16
PX05153A/ RX-1021	110:11 – 112:1
PX05153A/ RX-1021	112:21 – 114:10
PX05153A/ RX-1021	115:15 – 115:21
PX05153A/ RX-1021	116:4 – 116:20
PX05153A/ RX-1021	117:17 – 119:17



		
PX05153A/ RX-1021	121:2 – 132:5	
PX05153A/ RX-1021	134:22 – 171:14	
PX05153A/ RX-1021	175:2 – 179:13	
PX05153A/ RX-1021	Selected excerpts of word index to the transcript identified in	

	Exhibit D to the Motion	
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Deposition Transcript (Vol. 2)

Complaint Counsel/ Respondent Counsel Exhibit No.	Page:Line	Nature of the Testimony For Which <i>In Camera</i> Treatment is Requested
PX05153B/ RX-1022	19:6 – 19:21	
PX05153B/ RX-1022	41:20 – 42:17	
PX05153B/ RX-1022	44:14 – 49:10	
PX05153B/ RX-1022	50:5 – 52:12	
PX05153B/ RX-1022	53:16 – 54:3	
PX05153B/ RX-1022	55:8 – 59:7	
PX05153B/ RX-1022	62:1 – 120:11	

PX05153B/ RX-1022	122:4 – 154:12	
PX05153B/ RX-1022	157:1 – 172:13	

		
PX05153B/ RX-1022	176:7 – 178:11	
PX05153B/ RX-1022	179:20 – 184:15	
PX05153B/ RX-1022	192:6 – 198:13	
PX05153B/ RX-1022	200:9 – 203:5	
PX05153B/ RX-1022	204:23 – 214:22	
PX05153B/ RX-1022	215:15 – 222:21	
PX05153B/ RX-1022	224:19 – 231:22	

PX05153B/ RX-1022	Selected excerpts of word index to the transcript identified in Exhibit D to the Motion	

49. The release of the highly sensitive information described above from Mr. Asar's testimony would be very damaging to Hanger's business, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of June, 2018.



Thomas E. Hartman

Senior Vice President, General Counsel, and
Secretary, Hanger, Inc.

Exhibit B

(Redacted)



Bureau of Competition
Mergers I Division

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

May 25, 2018

VIA EMAIL

Hanger, Inc.
c/o Alan Rutenberg, Esq.
Foley & Lardner LLP
3000 K Street, NW
Suite 600
Washington, DC 20007

RE: *In the Matter of Otto Bock HealthCare North America, Inc.*, Federal Trade
Commission Dkt. No. 9378

Dear Alan:

By this letter we are providing formal notice, pursuant to Rule 3.45(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.45(b), that Complaint Counsel intend to offer the documents and testimony referenced in the enclosed Attachment A into evidence in the administrative trial in the above-captioned matter. The administrative trial is scheduled to begin on July 10, 2018. All exhibits admitted into evidence become part of the public record unless *in camera* status is granted by Administrative Law Judge D. Michael Chappell.

For documents or testimony which include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R. §§ 3.45, 4.10(g). Judge Chappell may order that materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re Jerk, LLC*, 2015 FTC LEXIS 39 (Feb. 23, 2015); and *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the documents. *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). You must also provide one copy of the documents for which *in camera* treatment is sought to the Administrative Law Judge.

Please be aware that under the current Scheduling Order dated April 26, 2018, the deadline for filing motions seeking *in camera* status is June 11, 2018.

If you have any questions, please feel free to contact me at (202) 326-3054.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynda Lao". The signature is written in a cursive, flowing style.

Lynda Lao
Counsel Supporting the Complaint

Attachment A

Exhibit No.	Description	Date	BegBates	EndBates
PX03203	[REDACTED]	00/00/2015 - 09/00/2017	HANGER.CID.0003	HANGER.CID.0003
PX03204	Email from Dennis Huysman to Ken Wilson and Pam Bryant, et al. re: Freedom Update w/Attach: Freedom_Q4_fall_HANGER_v4_224293.pdf	10/6/2017	HANGER.SDT.0000861	HANGER.SDT.0000863
PX03205	[REDACTED]	02/00/2018	HANGER.SDT.0000001	HANGER.SDT.0000018
PX03206	[REDACTED]	05/00/2017	HANGER.SDT.0000019	HANGER.SDT.0000028
PX03207	Hanger Document: K-PAVET Protocol	00/00/0000	HANGER.SDT.0000030	HANGER.SDT.0000040
PX03210	[REDACTED]	10/10/2017	HANGER.SDT.0000827	HANGER.SDT.0000829
PX03270	Hanger Document: Hanger Clinic Patient Forms	00/00/0000	HANGER.SDT.0000051	HANGER.SDT.0000052
PX03271	[REDACTED]	00/00/0000	HANGER.SAT-003	HANGER.SAT-006
PX03272	Hanger Document: Microprocessor Knee Comparison Chart	00/00/0000	HANGER.SAT-001	HANGER.SAT-002
PX03273	Hanger Document: Principal Differences Between MPKs and Mechanical (non-MPK) Knees	00/00/0000	HANGER.SAT-010	HANGER.SAT-010
PX03274	[REDACTED]	00/00/2017	HANGER.SAT-007	HANGER.SAT-009
PX05153A	Deposition Transcript of Vinit Asar (Hanger) - Volume 1	4/5/2018	PX05153A-001	PX05153A-083
PX05153B	Deposition Transcript of Vinit Asar (Hanger) - Volume 2	4/6/2018	PX05153B-001	PX05153B-115

Exhibit C

(Redacted)

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OF DUANE MORRIS

ALLIANCES IN MEXICO
AND SRI LANKA

May 29, 2018

VIA EMAIL AND OVERNIGHT COURIER

Hanger
c/o Alan Rutenberg
Foley & Lardner LLP
3000 K Street, N.W., Suite 600
Washington, DC 20007-5109
ARutenberg@foley.com

Re: In the Matter of Otto Bock HealthCare North America, Inc., Federal Trade Commission Dkt. No. 9378

Dear Mr. Rutenberg,

By this letter, we are providing formal notice, pursuant to Rule 3.45(b) of the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.45(b), that Respondent Counsel intend to offer the documents and testimony referenced in the enclosed Attachment A into evidence in the administrative trial in the above-captioned matter. The administrative trial is scheduled to begin on July 10, 2018. All exhibits admitted into evidence become part of the public record unless *in camera* status is granted by Administrative Law Judge D. Michael Chappell.

For documents or testimony which include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R. §§ 3.45, 4.10(g). Judge Chappell may order that materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re Jerk, LLC*, 2015 FTC LEXIS 39 (Feb. 23, 2015); and *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a

May 29, 2018
Page 2

declaration or affidavit by a person qualified to explain the confidential nature of the documents. *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). You must also provide one copy of the documents for which in camera treatment is sought to the Administrative Law Judge.

Please be aware that under the current Scheduling Order dated April 26, 2018, the deadline for filing motions seeking *in camera* status is June 11, 2018.

If you have any questions, please feel free to contact me at 215-979-1149.

Very truly yours,

/s/ Sean S. Zabaneh
Sean S. Zabaneh

TAL
Enclosures

cc: Sean P. McConnell
Sarah O'Laughlin Kulik

Exhibit No.	Description	Date	BegBates	EndBates
RX-0994	Investigational Hearing Transcript of Vinit Asar (Hanger)	11/28/2017	FTC-PROD-004804	FTC-PROD-4934
RX-1021	Deposition Transcript (Vol. 1) of Vinit Asar (Hanger)	4/5/2018		
RX-1022	Deposition Transcript (Vol. 2) of Vinit Asar	4/6/2018		
RX-0903	Microprocessor Knee Comparison		HANGER-SAT-001	HANGER-SAT-002
RX-0703		11/30/2017	HANGER-SAT-003	HANGER-SAT-006
RX-0347		1/1/2017	HANGER-SAT-007	HANGER-SAT-009
RX-0904	Principal Differences Between MPKs and Mechanical (non-MPK) Knees		HANGER-SAT-010	HANGER-SAT-010
RX-0619		10/31/2017	HANGER-SDT-0000922	HANGER-SDT-0000926
RX-0711		12/4/2017	HANGER-SDT-0001000	HANGER-SDT-0001004
RX-0552		9/25/2017	HANGER-SDT-0001159	HANGER-SDT-0001160
RX-0557		9/27/2017	HANGER-SDT-0001161	HANGER-SDT-0001162
RX-0560		9/28/2017	HANGER-SDT-0001166	HANGER-SDT-0001167
RX-0617		10/27/2017	HANGER-SDT-0001166	HANGER-SDT-0001169
RX-0674	Email from Vinit Asar to Ken Wilson, et al., cc: Tom Kiraly, et al. re: Fwd: Request from Matt Swiggum to Clinical Operations w/attachment - text message	11/22/2017	HANGER-SDT-0001247	HANGER-SDT-0001248
RX-0676		11/27/2017	HANGER-SDT-0001251	HANGER-SDT-0001242
RX-0638		11/7/2017	HANGER-SDT-0001258	HANGER-SDT-0001265
RX-0787		2/6/2018	HANGER-SDT-0001274	HANGER-SDT-0001295
RX-0332		12/6/2016	HANGER-SDT-0001414	HANGER-SDT-0001537

RX-0715		12/6/2017	HANGER-SDT-0001538	HANGER-SDT-0001560
RX-0976			HANGER.CID.0001	HANGER.CID.0001
RX-0977			HANGER.CID.0002	HANGER.CID.0002
RX-0877			HANGER.CID.0003	HANGER.CID.0003
RX-0782		2/1/2018	HANGER-SDT.0000001	HANGER-SDT.00000018
RX-0415		5/1/2017	HANGER-SDT.00000019	HANGER-SDT.00000028
RX-0886			HANGER-SDT.00000029	HANGER-SDT.00000029
RX-0024	Hanger - K-Pavet(R) Protocol - K-Pavet(TM) - Patient Assessment Validation Evaluation Test	1/1/2015	HANGER-SDT.00000030	HANGER-SDT.00000040
RX-0887			HANGER-SDT.00000041	HANGER-SDT.00000041
RX-0709		12/1/2017	HANGER-SDT.00000042	HANGER-SDT.00000050
RX-0025	Hanger Clinic - K-Pavet Form	1/1/2015	HANGER-SDT.00000051	HANGER-SDT.00000052
RX-0001		8/1/2000	HANGER-SDT.00000147	HANGER-SDT.00000212
RX-0002		10/1/2005	HANGER-SDT.00000277	HANGER-SDT.00000320
RX-0490		8/7/2017	HANGER-SDT.00000412	HANGER-SDT.00000457
RX-0341	Securities and Exchange Commission – Form 10-K – Hanger, Inc.	12/31/2016	HANGER-SDT.00000534	HANGER-SDT.00000790
RX-0554	Email from David Smith to Sam M. Liang, cc: Vinit Assar re: OB Acquisition of Freedom	9/26/2017	HANGER-SDT.00000792	HANGER-SDT.00000792
RX-0556		9/27/2017	HANGER-SDT.00000793	HANGER-SDT.00000794
RX-0576	Email from Steven Lavendar to Vinit Assar re: Federal Trade Commission Investigation	10/3/2017	HANGER-SDT.00000795	HANGER-SDT.00000795
RX-0597		10/10/2017	HANGER-SDT.00000827	HANGER-SDT.00000829
RX-0738	Email from Ken Wilson to Regina Weger, et al., cc: Theo Wilson re: Fw: FTC Challenges Consummated Merger of Companies That Make Microprocessor Prosthetic Knees	12/20/2017	HANGER-SDT.00000830	HANGER-SDT.00000830
RX-0593	Email from Dennis Huysman to Ken Wilson, et al., cc: Jeffrey Lutz, Jay Wendt, re: Fw: Freedom Update, w/attachment Freedom_Q4_fall_HANGER_v4_224293.pdf	10/6/2017	HANGER-SDT.00000861	HANGER-SDT.00000863

RX-0637	Email from Pam Bryant to Ken Wilson re: Meeting with Vinit	11/7/2017	HANGER-SDT.00000869	HANGER-SDT.00000869
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From: Rudowitz, Andrew J. <AJRudowitz@duanemorris.com>
Sent: Monday, June 04, 2018 3:36 PM
To: Rutenberg, Alan D.
Cc: Zabaneh, Sean S.; McConnell, Sean P.; Kulik, Sarah O'Laughlin; Dryden, Benjamin R.; Beringer, Jesse L.; Poles, Simeon S.
Subject: RE: In re Ottobock (FTC) - Correspondence
Attachments: RX-0617.pdf; RX-0638.pdf; RX-0676.pdf; RX-0715.pdf

CONFIDENTIAL

Alan,

Attached are the actual versions of RX-0617, RX-0638, RX-0676, RX-0715 that we intend to introduce at trial. To clarify and respond to your questions, below is a revised chart with respect to RX-0617, RX-0676, RX-0715.

<u>Exhibit No.</u>	<u>Corrected BegBates</u>	<u>Corrected EndBates</u>
RX-0617	HANGER-SDT-0001182	HANGER-SDT-0001185
RX-0676	HANGER-SDT-0001251	HANGER-SDT-0001252
RX-0715	HANGER-SDT-0001538	HANGER-SDT-0001600

Additionally, below is a revised chart with respect to RX-0638.

<u>Exhibit No.</u>	<u>Description</u>
RX-0638	

Please let us know if you have any further questions.

Thanks,

AJ

Andrew John (AJ) Rudowitz

Associate
 Duane Morris LLP
 P: +1 215 979 1974

From: ARutenberg@foley.com [mailto:ARutenberg@foley.com]
Sent: Friday, June 1, 2018 2:46 PM
To: Rudowitz, Andrew J. <AJRudowitz@duanemorris.com>
Cc: Zabaneh, Sean S. <SSZabaneh@duanemorris.com>; McConnell, Sean P. <SPMcConnell@duanemorris.com>; Kulik, Sarah O'Laughlin <sckulik@duanemorris.com>; BDryden@foley.com; JBeringer@foley.com
Subject: RE: In re Ottobock (FTC) - Correspondence

CONFIDENTIAL

AJ,

Please see the attached letter regarding questions we had regarding several documents listed on the Attachment A provided to Hanger, Inc. where the bates numbers and the descriptions provided do not match up.

Best regards,

Alan

Alan D. Rutenberg

Foley & Lardner LLP
3000 K Street, N.W. | Suite 600
Washington, DC 20007-5109
Office: 202.672.5491
Mobile: 703.869.5230
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From: Rudowitz, Andrew J. [<mailto:AJRudowitz@duanemorris.com>]
Sent: Tuesday, May 29, 2018 8:01 PM
To: Rutenberg, Alan D.
Cc: Zabaneh, Sean S.; McConnell, Sean P.; Kulik, Sarah O'Laughlin
Subject: In re Ottobock (FTC) - Correspondence

CONFIDENTIAL

Dear Mr. Rutenberg:

Please see attached letter and enclosures. A hard copy is being delivered to you separately by overnight mail. After you have an opportunity to review, please do not hesitate to call us to discuss, as explained in the letter.

Best,

AJ

Andrew John (AJ) Rudowitz
Associate

Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196
P: +1 215 979 1974
F: +1 215 689 2599

ajrudowitz@duanemorris.com
www.duanemorris.com

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Exhibit D

**(Documents Withheld
In Their Entirety
From Public Version)**

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

In the Matter of

Otto Bock HealthCare North America, Inc.,
a corporation,

Respondent.

Docket No. 9378

**[PROPOSED] ORDER ON NON-PARTY HANGER, INC.'S
MOTION FOR *IN CAMERA* TREATMENT**

On June 11, 2018, non-party Hanger, Inc. (“Hanger”) filed its motion for *in camera* treatment of certain potential hearing exhibits identified by Respondent Otto Bock HealthCare North America, Inc., and Complaint Counsel, including certain deposition testimony. By Order issued concurrently, the Administrative Law Judge finds that disclosure of the documents for which Hanger seeks *in camera* treatment would likely result in a clearly defined, serious injury to Hanger, and Hanger’s motion is GRANTED.

It is ORDERED that the following documents shall be accorded permanent *in camera* treatment in their entirety: PX03206/RX-0415, RX-0638, RX-0709, PX03205/RX-0782, RX-0787, RX-0556, PX03210/RX-0597, RX-0617, RX-0676, RX-0711, RX-0001, RX-0002, RX-0490, RX-0887, RX-0552, RX-0557, RX-0560, PX03271/RX-0703, PX03203/RX-0877, RX-0886, RX-0976, and RX-0977.

It is further ORDERED that portions of the following documents shall be accorded permanent *in camera* treatment: RX-0332 (pages with Bates labels HANGER-SDT-0001414, HANGER-SDT-0001420 through HANGER-SDT-0001422, and HANGER-SDT-0001523 through HANGER-SDT-0001524), RX-0715 (pages with Bates labels HANGER-SDT-0001538, HANGER-SDT-0001569, and HANGER-SDT-0001570), and PX03274/RX-0347 (page with Bates label HANGER-SAT-007).

It is further ORDERED that permanent *in camera* treatment is GRANTED for the following portions of RX-0994, the Investigational Hearing testimony of Vinit Asar: 11:25 – 12:11; 12:19 – 15:3; 25:2 – 27:10; 29:3 – 52:13; 53:8 – 56:12; 57:1 – 60:4; and the requested portions of the of the transcript’s word index.

It is further ORDERED that permanent *in camera* treatment is GRANTED for the following portions of PX05153A/RX-1021, the April 5, 2018, deposition testimony of Vinit Asar: 27:16 – 29:9; 29:25 – 42:25; 45:8 – 49:2; 50:17 – 58:24; 60:3 – 60:20; 71:9 – 98:18; 104:4 – 106:6; 108:21 – 109:16; 110:11 – 112:1; 112:21 – 114:10; 115:15 – 115:21; 116:4 – 116:20; 117:17 – 119:17; 121:2 – 132:5; 134:22 – 171:14; 175:2 – 179:13; and the requested portions of the transcript’s word index.

It is further ORDERED that permanent *in camera* treatment is GRANTED for the following portions of PX05153B/RX-1022, the April 6, 2018, deposition testimony of Vinit Asar: 19:6 – 19:21; 41:20 – 42:17; 44:14 – 49:10; 50:5 – 52:12; 53:16 – 54:3; 55:8 – 59:7; 62:1 – 120:11; 122:4 – 154:12; 157:1 – 172:13; 176:7 – 178:11; 179:20 – 184:15; 192:6 – 198:13; 200:9 – 203:5; 204:23 – 214:22; 215:15 – 222:21; 224:19 – 231:22; and the requested portions of the transcript's word index.

It is further ORDERED that all of the documents for which *in camera* treatment has been granted shall also be treated as confidential under the Protective Order in this case and may only be disclosed to those persons identified in Paragraph 7 of the Protective Order.

At the time that any documents that have been granted *in camera* treatment are offered into evidence, or before any of the information contained therein is disclosed in court, the parties shall identify such documents and the subject matter therein as *in camera*, inform the court reporter of the trial exhibit number(s) of such documents, and request that the hearing go into an *in camera* session. Any testimony regarding documents that have been granted *in camera* treatment may be provided only in an *in camera* session.

ORDERED:

D. Michael Chappell
Administrative Law Judge

Date: _____, 2018

Notice of Electronic Service

I hereby certify that on June 12, 2018, I filed an electronic copy of the foregoing Non-Party Hanger, Inc.'s Motion for In Camera Treatment (Public Version), with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
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Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
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I hereby certify that on June 12, 2018, I served via E-Service an electronic copy of the foregoing Non-Party Hanger, Inc.'s Motion for In Camera Treatment (Public Version), upon:

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