IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION and COMMONWEALTH OF PENNSYLVANIA, *Plaintiffs,* v. THOMAS JEFFERSON UNIVERSITY and ALBERT EINSTEIN HEALTHCARE NETWORK, *Defendants*.	Civil Action No. 2:20-cv-01113

DEFENDANT'S MOTION TO FILE UNDER SEAL
DEFENDANT THOMAS JEFFERSON UNIVERSITY'S
MOTION TO SEAL CONFIDENTIAL EXHIBITS

Pursuant to Local Rule 5, Defendants Thomas Jefferson University respectfully move this Court for permission to file under seal exhibits to Defendant Thomas Jefferson University's Motion to Seal Confidential Exhibits ("Motion to Seal"). Defendant seek leave to file under seal the exhibits that Defendant will attach to its forthcoming Motion to Seal related to the treatment of certain Thomas Jefferson University documents at the Preliminary Injunction hearing on September 14, 2020.

In accordance with the Stipulated Protective Order (Dkt. # 55) in this matter, the parties exchanged exhibit lists September 2, 2020. Both Plaintiffs and Defendants included among their exhibits certain documents containing highly confidential and sensitive business, financial, or patient information, which are identified in Appendix A to the Motion to Seal. The exhibits to Defendant's motion to seal consist of the following sensitive categories: 1) managed care contacts and the negotiated terms and prices therein, the disclosure of which would be severely detrimental to Jefferson's competitive standing and would disadvantage Jefferson in future managed care

negotiations; 2) current Jefferson strategic and business plans, the disclosure of which would likewise pose significant competitive harm to Jefferson; and 3) protected health information ("PHI"), the disclosure of which is prohibited under the Health Insurance Portability and Accountability Act ("HIPAA").

Defendant requests leave to file its exhibits to its Motion to Seal to preserve the highly confidential information in these exhibits pending a ruling on its Motion. These exhibits are the very substance of Defendant's Motion to Seal and therefore should be withheld publically until the Court has had an opportunity to consider the treatment of these documents. Wherever possible, Defendant has identified portions of these exhibits that can be disclosed publically and will submit redacted versions of those documents in the version of its motion emailed to the Court. For these reasons, Defendants seek to file under seal the exhibits to their Motion to Seal.

Dated: September 8, 2020

Respectfully Submitted,

/s/ Paul H. Saint-Antoine

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CERTIFICATE OF SERVICE

I hereby certify that on this 8nd day of September, 2020, a true and correct copy of the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users in this action.

/s/ John L. Roach IV
John L. Roach IV

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[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2020, pursuant to Local Civil Rules 5.1.2 and 5.1.5, the Court **GRANTS** Defendant Thomas Jefferson University's Motion to File under Seal Defendant Thomas Jefferson University's Motion to Seal Confidential Exhibits. The Clerk of Court shall file/maintain under seal exhibits to Defendants' Motion to Seal Confidential Exhibits and they shall remain sealed unless and until the Court orders otherwise.

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Gerald J. Pappert
United States District Judge