UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Federal Trade Commission, *et al.* **Plaintiffs,** **v.** **Sysco Corporation,** *et al.,* **Defendants.**	**(FILED UNDER SEAL)** **Civil No. 1:15-cv-00256 (APM)**

MOTION FOR *IN CAMERA* TREATMENT

This Motion is filed under seal pursuant to the Court's Order of April 30, 2015.

NOW COMES third party witness Jason A. Smith, d/b/a 18 Restaurant Group, 18 Seaboard, Cantina 18 and Harvest 18, and pursuant to the provisions of the Court's Orders of March 13, 2015 and April 30, 2015, and moves the Court for *in camera* treatment of the documents and deposition portions specified below, and shows unto the Court:

1. Jason A. Smith is the owner and chef-proprietor of the three restaurants in 18 Restaurant Group, those being 18 Seaboard and Cantina 18 in Raleigh, N.C. and Harvest 18 in Durham, N.C.
2. Smith is a third party witness in this action having submitted to the FTC a declaration dated March 30, 2015 and having been deposed on April 3, 2015. Furthermore, on March 26, 2015 Smith produced documents pursuant to that document subpoena received by him addressed to 18 Restaurant Group and dated March 12, 2015. In his production pursuant to that subpoena, and by letter dated

March 26, 2015, Smith designated certain of those documents as "Competitively Sensitive Information". By letters dated April 28, 2015 and April 30, 2015, received April 29, 2015 and April 30, 2015 respectively, from Peter Herrick, counsel for defendant Sysco, Smith was provided notice pursuant to Paragraph 10 of the Court's March 13, 2015 Protective Order that defendants "may use documents produced by 18 Restaurant Group and/or your depositon testimony, and documents referenced therein" at the trial of this action.

3. The following documents, designated by defendants for use at trial, contain Competitively Sensitive Information":

Documents:

DESCRIPTION	BATES NUMBER
Smith Depo Ex. 1: Declaration of Jason Smith	PX00487
Smith Depo Ex. 2: Series of Invoices from Pate Dawson Southern Foods	18_RESTAURANT-004116 through 18_RESTAURANT-004834
Smith Depo Ex. 3: Series of Invoices from Pate Dawson Southern Foods	18_RESTAURANT-002594 through 18 RESTAURANT-003917
Smith Depo Ex. 4: Series of Invoices from Pate Dawson Southern Foods	18 RESTAURANT-000010 through 18_RESTAURANT-002593

4. The following deposition testimony designated by defendants for use at trial contains "Competitively Sensitive Information":

Deposition Testimony:

Witness – Jason Smith

Date of Deposition – April 3, 2015

Pages:

12:14-12:19; 26:3-27:4; 31:5-31:16; 33:16-33:22; 33:24-35:15; 36:11-36:24; 36:25-37:15; 37:16-38:4; 38:5-38:16; 40:8-40:22; 42:21-43:23; 56:16-57:2; 58:10-58:12; 58:14-58:17; 58:18-59:10; 65:5-65:8; 82:17-82-20; 82:22-83:3; 85:18-86:17; 98:8-98:13; 98:20-99:16; 99:17-100:3; 100:4-101:17; 105:15-105:20; 105:21-105:25; 106:2-106:10; 106:22-107:10; 158:15-159:4; 159:5-159:11; 184:25-186:3; 195:12-195:14; 195:23-196:3; 206:3-206:4.

5. In combination, this deposition and its Exhibits #1-4 are voluminous and difficult to file electronically. Following the suggestion of the Court's Law Clerk Loui Itoh copies of these documents are being sent on disks by U.S. Mail to the Court and to counsel for Sysco. These disks were obtained from counsel for the FTC at the request of counsel for Smith.

WHEREFORE, Smith moves the court pursuant to Paragraph 10 of the Protective Order of March 13, 2015 and pursuant to the Order of April 30, 2015 for *in camera* treatment of the documents and deposition sections specified in Paragraphs 3 and 4 above.

This the 5th day of May, 2015.

MCMILLAN & SMITH
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N.C. State Bar 5841
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Attorney for Jason A. Smith, d/b/a *18 Restaurant Group, 18 Seaboard, Cantina 18 and Harvest 18.*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion by Jason A. Smith d/b/a 18 Restaurant Group, 18 Seaboard, Cantina 18 and Harvest 18, along with a Proposed Order, were sent to counsel of record by electronic service and U.S. Mail.

Ryan Quillian
Federal Trade Commission
400 7th Street SW
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Counsel for FTC

Peter Herrick
Simpson Thacher & Bartlett LLP
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Washington, DC 20004
Counsel for Defendant

May 5, 2015.

MCMILLAN & SMITH
Stephen T. Smith

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Federal Trade Commission, *et al.,*	)	
Plaintiffs,	)	
v.	)	**Filed Under Seal**
	)	**Civil No. 1:15-cv-00256 (APM)**
Sysco Corporation, *et al.,*	)	
Defendants.	)	

ORDER FOR *IN CAMERA* TREATMENT

Upon motion of third party witness Jason A. Smith, d/b/a 18 Restaurant Group, 18 Seaboard, Cantina 18 and Harvest 18, for i*n camera* treatment of the documents and deposition testimony specified therein, the following documents and deposition portions are hereby granted *in camera* treatment:

Documents:

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This the _____ day of May 2015.

AMIT P. MEHTA
U.S. DISTRICT JUDGE