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it hereby is, *granted* as to Exhibits CX-5100 through CX-5116, and *denied* without prejudice as to Exhibit CX 5117;

It is further ordered that Rambus's motion to admit into evidence Exhibit RX-2554 shall be, and it hereby is, *granted*;

It is further ordered that Complaint Counsel's Motion for Leave to File Complaint Counsel's Response to Rambus's Supplemental Brief in Support of Motion to Reopen Record shall be, and it hereby is, *granted*; and

It is further ordered that Rambus's Motion to Reopen the Record to Admit Newly Obtained Evidence Rebutting Complaint Counsel's Proposed Findings and Undermining Complaint Counsel's Proposed Remedy shall be, and it hereby is, *denied* without prejudice.

By the Commission.

EVANSTON NORTHWESTERN HEALTHCARE
CORPORATION

Docket No. 9315 Order, April 12, 2006

Order placing previously designated *in camera* material on the public record.

ORDER GRANTING CONSENT MOTION TO WAIVE *IN CAMERA*
PROTECTION OF SELECTED PLEADINGS AND EXHIBITS

On October 7, 2005, Respondent Evanston Northwestern Healthcare Corporation ("Respondent"), with the consent of Complaint Counsel, filed a motion (hereinafter "Consent Motion") (1) seeking to waive *in camera* treatment for certain pleadings filed and certain documents admitted into evidence during the trial of this matter, and (2) seeking to correct the *in camera* formatting of one of

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Respondent's replies to Complaint Counsel's findings of fact. On January 24, 2006, the parties filed a set of four tables summarizing the proposed changes. The Initial Decision in this case was filed on October 17, 2005, and the jurisdiction of Chief Administrative Law Judge McGuire terminated at that point. Commission Rule 3.51(e)(2), 16 C.F.R. § 3.51(e)(2) (2006). Pursuant to Commission Rule 3.22(a), 16 C.F.R. § 3.22(a), Chief Judge McGuire has therefore certified the Consent Motion to the Commission, with the recommendation that it be granted.

The Commission "strongly favors making available to the public the full record of its adjudicative proceedings to permit public evaluation of the fairness of the Commission's work and to provide guidance to persons affected by its actions." *In re Crown Cork & Seal Co., Inc.*, 71 F.T.C. 1714-15 (June 26, 1967); *accord*, *In re Hood*, 58 F.T.C. 1184, 1186 (March 14, 1961). As Chief Judge McGuire notes, the parties have reviewed their respective post-trial filings, including post-trial briefs, proposed findings of fact, and responses to proposed findings of fact, and have identified discussions of trial testimony elicited during *in camera* sessions and trial exhibits granted *in camera* treatment that, in the parties' view, no longer warrant *in camera* protection. Consent Motion at 1-2. The parties also state that they are not requesting removal of *in camera* protection for any *in camera* testimony elicited from a third party or any trial exhibit granted *in camera* protection at the request of a third party. Consent Motion at 2.

The Commission has determined to grant the Consent Motion, as recommended by Chief Judge McGuire. Accordingly,

It is ordered that the Consent Motion be, and it hereby is, *granted*. The Secretary is directed to place on the public record of this proceeding the January 24, 2006 filing by Counsel for Respondent and Counsel for the Complaint -- a copy of which is appended to this Order -- including the following four Attachments:

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Attachment 1: Proposed Removals of *In Camera* Treatment -
Respondent's Post-Trial Brief and Post-Trial Reply
Brief

Attachment 2: Index of Re-Designated Text in Complaint Counsel's
Post-Trial Brief

Attachment 3: Proposed Removals of *In Camera* Treatment -
Paragraphs in Complaint Counsel's Proposed
Findings of Fact and Respondent's Reply Findings of
Fact

Attachment 4: Paragraphs Changed of Complaint Counsel's Replies
to Respondent's Proposed Findings of Facts;

It is further ordered that Respondent and Complaint Counsel shall by June 5, 2006, file a paper original, one paper copy, and an electronic copy of the amended version of each of the public filings modified pursuant to this Order, in the manner prescribed by Commission Rule 4.2(c), 16 C.F.R. § 4.2(c);

It is further ordered that the original versions of each such public filing shall be retained in the public record of this proceeding; and

It is further ordered that page 15 of Section I of Respondent's Reply to Complaint Counsel's Findings, Response to Finding No. 2, shall be marked *in camera*.

By the Commission.