

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:24-cv-00028-KDB-SCR**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

NOVANT HEALTH, INC.

and

COMMUNITY HEALTH SYSTEMS, INC.,

Defendants.

JOINT MOTION FOR ENTRY OF INTERIM PROTECTIVE ORDER

Plaintiff and Defendants respectfully move jointly for an order, pursuant to Fed. R. Civ. P. 26(c), to preserve the confidentiality of materials disclosed during the Plaintiff Federal Trade Commission's (the "Commission's") non-public investigation and materials disclosed in discovery in this litigation because the materials contain confidential commercial information both of Defendants and nonparties. In support, the Parties state as follows:

During its investigation relating to this matter, the Commission obtained discovery from Defendants and nonparties that is relevant to the issues in this action, but which contains competitively sensitive information, including confidential commercial or financial information, as such terms are used in Rule 26(c)(1)(G), Section 6(f) of the Federal Trade Commission Act, and 15 U.S.C. § 46(f). The Parties anticipate that the conduct of the litigation before this Court

similarly will require production of competitively sensitive information, including confidential commercial or financial information both of Defendants and of nonparties to the litigation. The proposed interim protective order will allow the Commission to share these materials, which include the confidential materials of Defendants' competitors and business counterparties, with Defendants' outside counsel while preserving the confidentiality of this information against unwarranted disclosure either to Defendants or to the public. Defendants expect that access to nonparty confidential material by in-house counsel is necessary to the defense of this action; thus, Defendants anticipate seeking modification of the interim protective order from the Court. Entering the proposed protective order on an interim basis, however, will allow discovery to proceed without delay and with appropriate safeguards in place.

Plaintiff and Defendants thus respectfully request that the Court enter the attached proposed interim protective order.

Dated: February 2, 2024

Respectfully Submitted,

/s/ Nicolas Stebinger

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the below persons on February 2, 2024, via e-mail and/or CM/ECF at the following addresses:

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