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UNITED STATES DISTRICT COURT
IN THE DISTRICT OF IDAHO

SAINT ALPHONSUS MEDICAL CENTER -
NAMPA, INC., TREASURE VALLEY
HOSPITAL LIMITED PARTNERSHIP, SAINT
ALPHONSUS HEALTH SYSTEM, INC., AND
SAINT ALPHONSUS REGIONAL MEDICAL
CENTER, INC.

Plaintiffs,

v.

ST. LUKE'S HEALTH SYSTEM, LTD.

Defendant.

Case No. 1:12-CV-00560-REB

**DECLARATION OF STEPHANIE C.
WESTERMEIER, ESQ, IN SUPPORT
OF ATTORNEYS EYES ONLY
TREATMENT OF UNADMITTED
EXHIBITS CITED IN PARTIES'
PROPOSED FININDGS OF FACT AND
DEPOSITION TESTIMONY OF
ANDREW CURRAN**

STATE OF IDAHO)
) ss.
County of Ada)

STEPHANIE C. WESTERMEIER declares under penalty of perjury:

1. I am General Counsel of Saint Alphonsus Health System, Inc., a plaintiff in the above-entitled action. I am duly admitted in the State of Idaho. I have personal knowledge of the facts set forth herein.

2. Certain testimony (both live and by video), exhibits, and demonstratives that have been presented and/or admitted in the trial of this action, contain non-public proprietary and confidential information and trade secrets belonging to Plaintiffs Saint Alphonsus Regional Medical Center, Inc., Saint Alphonsus Health System, Inc. and Saint Alphonsus Medical Center – Nampa, Inc. (collectively “Saint Alphonsus”) that we believe fits within the Court’s Memorandum Decision and Order Re Additional AEO Designations (Dkt. 217) (the “AEO Order”), and would cause competitive harm to Saint Alphonsus if disclosed publicly. Such evidence includes testimony about (1) Saint Alphonsus’ prices, costs, reimbursement rates, wages, compensation, budgets, projections and other financial information that is confidential; (2) Saint Alphonsus’ strategic plans; (3) the negotiation and terms of Saint Alphonsus’ agreements with payors, employers, providers and networks; (4) the terms and negotiation of Saint Alphonsus’ agreements with physicians, physicians practices and facilities; and (5) certain confidential patient care information ruled by the Court as “Attorney Eyes Only” (“AEO”).

3. Both I and our outside counsel, Lara Phillip, have filed declarations with the Court that support the AEO treatment of exhibits and testimony admitted during the trial. (See Dkts. 345, 367, 368, 379, 386, and 446).

4. Defendants and Plaintiffs each cited to a limited number of exhibits in their respective Proposed Findings of Fact (Dkts. 515 and 517) that contain Attorneys Eyes Only information, but had not yet been admitted during the course of the trial.

5. I have been provided by counsel and have reviewed those unadmitted exhibits cited in the parties’ respective Proposed Findings of Fact that consist of documents produced by Saint Alphonsus, to determine if those exhibits should remain under seal and the basis for their designation as AEO. Attached hereto as Exhibit 1 is a chart of the unadmitted trial exhibits that I am advised by counsel have been cited in either Plaintiffs’ or Defendants’ proposed findings of

fact that, pursuant to the AEO Order, is designated AEO by Saint Alphonsus. For each such exhibit, the following is provided in Exhibit 1: (a) the trial exhibit number; (b) a description of the exhibit; (c) the corresponding category from the Court's AEO Order; and (d) an explanation as to why disclosure of the exhibit would cause Saint Alphonsus harm.

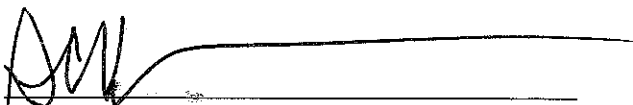
6. In addition, following the conclusion of trial, Defendants filed deposition testimony of Saint Alphonsus physician Dr. Andrew Curran (Dkt. Numbers 388 and 393).

7. In conformance with the Court's AEO Order and its October 18, 2013 Memorandum Decision and Order, Saint Alphonsus designated a limited amount of pages and lines from the video deposition testimony of Dr. Curran as Attorneys Eyes Only.

8. As part of this process, our outside counsel provided me for review the transcript of designated deposition testimony from Dr. Curran and provided designations by page and by line for that testimony which should remain under seal because it falls within one of the five categories identified in the AEO Order.

9. The following pages and lines from the deposition of Dr. Curran should remain as Attorneys Eyes Only: 88:11-18; 88:22-24.¹ The questions and testimony at 88:11-18 and 88:22-24 relate to the calculation of Saint Alphonsus' compensation of physicians. This information properly falls within Category 1 (compensation) of the AEO Order. It would harm Saint Alphonsus if information regarding its compensation of particular physicians were disclosed to its competitors, as well as to other physicians that Saint Alphonsus employs or seeks to recruit.

Dated: December 10, 2013



Stephanie C. Westermeier

¹ Counsel for TVH has also designated certain portions of Dr. Curran's designated testimony as Attorneys Eyes Only.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of December, 2013, I electronically filed the foregoing document with the U.S. District Court. Notice will automatically be electronically mailed to the following individuals who are registered with the U.S. District Court CM/ECF System.

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