

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

**IN THE MATTER OF:
NATALIA LYNCH, APPELLANT**

DOCKET No. D09423

JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER

Pursuant to 16 C.F.R. § 1.146(7), Appellant Natalia Lynch (“Ms. Lynch”) and Respondent Horse Racing Integrity and Safety Authority (“Authority”) (collectively, “the Parties”) bring this Joint Motion to enter a protective order.

ARGUMENT

During the *in camera* session on May 20, 2024, the Court directed the Parties to meet and confer regarding a protective order to govern the unredacted version of the document discussed in that session. The parties, having met and conferred, have agreed to the protective order set forth at Exhibit A of this Motion, which they now present to the Court for approval.

CONCLUSION

Accordingly, the Parties move that the Court enter the protective order set forth at Exhibit A.

Dated: May 23, 2024

Respectfully submitted,

/s/ Grant S. May _____

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Enforcement Counsel for HISA

Exhibit A:

[PROPOSED] PROTECTIVE ORDER

On May 14, 2024, Appellant submitted an unopposed motion requesting an order of an *in camera* inspection of a document containing redactions (the “**Document**”) that the Horseracing Integrity and Safety Authority (the “**Authority**”) had produced on May 10, 2024 in response to a subpoena issued by Judge Himes on May 1, 2024. On May 15, 2024, Appellant’s motion was granted.

Following the *in camera* inspection and a subsequent *in camera* hearing before Judge Himes, on May 20, 2024, the Authority agreed to produce an unredacted version of the Document (the “**Unredacted Document**”) subject to a Protective Order.

IT IS HEREBY ORDERED THAT:

1. The Unredacted Document and the contents thereof may be used for purposes of this FTC proceeding only, must be kept strictly confidential, and shall not be disclosed to anyone other than the individuals listed in paragraph 3 below, except by prior written agreement of the parties, by Order of this court, or by other court order.
2. To “disclose” means to disseminate, distribute, discuss, photograph, describe, share, communicate, publish, or otherwise make use of or transmit in any way, including by all electronic means.
3. The Unredacted Document and the contents thereof may be disclosed only to the individuals below.

- a. This Administrative Law Judge, the FTC staff, and any individuals at the FTC who require access to the Unredacted Document in the course of a potential appeal;
 - b. Appellant's Counsel, H. Christopher Boehning and Grant S. May, other attorneys and law clerks at Paul, Weiss, Rifkind, Wharton & Garrison LLP ("**Counsel's Firm**") working on Appellant's case, and any non-attorney legal staff members of Counsel's Firm who are required to access the information;
 - c. Outside expert witnesses retained by Appellant's Counsel, provided that the obligation of confidentiality is accepted by such expert witnesses in writing;
 - d. Transcriptionists engaged by Appellant or the Authority for the purposes of transcribing the Zoom recording of the hearing of this administrative law review; and
 - e. Any federal judge or other judicial officials, together with their respective staff members, who may be seized with an appeal or review of the Final Decision in these administrative law review proceedings before the FTC.
4. For clarity, the Unredacted Document may not be disclosed to Appellant.
 5. Within sixty (60) days of the conclusion of these proceedings and any proceedings to confirm, vacate, or modify any Order granted therein, the individuals listed in paragraph 3 above shall, to the extent legally and technically practicable, destroy or erase all copies of the Unredacted Document in their possession, power, or control.

6. Information contained in the Unredacted Document that becomes available to Appellant from a different source, or is information in the public domain, shall not be subject to the confidentiality obligations set out herein.

ORDERED:

Jay L. Himes
Administrative Law Judge

Date: May __, 2024

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ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

**IN THE MATTER OF:
NATALIA LYNCH, APPELLANT**

DOCKET No. D09423

[PROPOSED] ORDER GRANTING PROTECTIVE ORDER

By motion filed on May 23, 2024 (“the Motion”), Appellant Natalia Lynch (“Appellant”) and Respondent Horse Race Integrity and Safety Authority (“HISA”) request entry of the protective order set forth in Exhibit A of their motion to govern production of a document discussed in *in camera* session.

Pursuant to 16 C.F.R. § 1.146(7), the Motion is GRANTED.

ORDERED

Jay L. Himes
Administrative Law Judge

Date: May 23, 2024

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2024, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I caused the foregoing to be filed and served as follows:

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite CC-5610
Washington, DC 20580
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Hon. Jay L. Himes
Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
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