

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION**

FILED
3/10/2022 6:01 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2018L010475

**IN RE: WILLOWBROOK ETHYLENE OXIDE
LITIGATION**

**Consolidated for Pretrial and
Discovery Purposes Under
No. 2018-L-010475**

**This Filing Applies to: *ALL ACTIONS
CONSOLIDATED FOR PRETRIAL AND
DISCOVERY PURPOSES***

**MOTION TO FILE UNDER SEAL EXHIBIT C TO
MOTION TO PRESERVE CONFIDENTIALITY
DESIGNATIONS OF PORTIONS OF RAUNER DEPOSITION TRANSCRIPT**

Pursuant to General Administrative Order No. 2014-02 § 7(b), GTCR LLC respectfully requests leave to file under seal Exhibit C to its Motion to Preserve Confidentiality Designations of Portions of Rauner Deposition Transcript. The exhibit includes information that was designated confidential under a protective order.

Dated: March 10, 2022

Respectfully submitted,

By: /s/ Bruce Braun

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**IN RE: WILLOWBROOK ETHYLENE OXIDE
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**Consolidated for Pretrial and
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No. 2018-L-010475**

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**MOTION TO PRESERVE CONFIDENTIALITY DESIGNATIONS OF
PORTIONS OF RAUNER DEPOSITION TRANSCRIPT**

At the outset of this litigation, the parties negotiated, and the Court entered, a protective order. Ex. A, Stipulation and Order Governing the Protection and Exchange of Confidential Material (the “Protective Order”). For more than two years, that Protective Order has done its job and protected the sensitive information of parties and non-parties alike. The discovery information protected by the Protective Order is standard and reasonable.

Section 3(c) of the Protective Order provides that parties may designate as confidential any operational information they reasonably believe is likely to cause current or future harm to the competitive position of the producing party or a third party. Case Management Order 6, which governs fact depositions, incorporates the Protective Order. Ex. B, CMO 6: Fact Deposition Protocol at 15. Information designated as confidential cannot be used for purposes other than this litigation and, if filed with the Court, must be filed under seal. If a party challenges a confidentiality designation and the parties are unable to resolve the dispute, the party claiming confidentiality must file a motion to preserve the confidentiality of the discovery material. Ex. A, Protective Order at 12.

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Bruce Rauner's deposition yielded 192 pages of testimony and GTCR LLC ("GTCR") seeks to maintain the confidentiality of only twelve lines contained on one page.¹ This page is submitted under seal as Exhibit C and includes the names of members of GTCR LLC. Plaintiffs have challenged this designations, but the information falls squarely within Section 3(c) of the Protective Order. Specifically, it is operational information that GTCR reasonably believes is likely to cause harm to its competitive position. GTCR strictly guards the names of the members and partners of its entities and funds from competitors, and does not include this information in any public materials.

The designated information also qualifies as confidential under Section 3(e) of the Protective Order, a catch-all category that permits the Court to grant confidential status to information that does not fall within another provision of Section 3. Ex. A, Protective Order at 3. This information is sensitive, proprietary and has been sealed by other courts. *Whittaker v. MHR Fund Mgmt. LLC*, No. 20 CIV. 7599 (AT), 2021 WL 4441524, at *3 (S.D.N.Y. Sept. 28, 2021) (finding that sealing the identities of non-party investors was warranted); *Caxton Int'l Ltd. v. Rsrv. Int'l Liquidity Fund, Ltd.*, No. 09 CIV. 782PGG, 2009 WL 2365246, at *6-7 (S.D.N.Y. July 30, 2009) (same).

To be clear, GTCR is not in this motion seeking to bar this information from use at trial. Instead, without conceding its admissibility, they are seeking to maintain this information as confidential to ensure it cannot be used for purposes other than this litigation or made public without good cause.

¹ GTCR initially designated additional pages as confidential but withdrew all of the other designations.

For the foregoing reasons, the Court should grant this motion, order that the existing confidentiality designations of the Rauner deposition remain in place, and award GTCR any other appropriate relief.

Dated: March 10, 2022

Respectfully submitted,

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