

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

)	
In the Matter of)	
)	
Tapestry, Inc.,)	DOCKET NO. 9429
a corporation,)	
)	
and)	
)	
Capri Holdings Limited,)	
a corporation,)	
)	
Respondents.)	

NON-PARTY MZ WALLACE INC.'S MOTION FOR *IN CAMERA* TREATMENT

Pursuant to Rule 3.45 of the Federal Trade Commission's Rules of Practice, 16 C.F.R § 3.45(b), non-party MZ Wallace Inc. ("MZ Wallace") respectfully moves this Court for *in camera* treatment of its competitively-sensitive, confidential business documents and testimony concerning such documents and related confidential matters designated by the Federal Trade Commission ("FTC") and Respondents for use as evidence in this matter (the "Confidential Material"). MZ Wallace produced such Confidential Material (among others confidential documents) and provided such testimony in the parallel federal litigation related to the same matter as this action (*Federal Trade Commission v. Tapestry, Inc. and Capri Holdings, Ltd.*, 1:24-CV-03109-JLR-BCM (the "SDNY Litigation")) in response to subpoenas from both the FTC and Respondents in that SDNY Litigation. Counsel for the FTC and counsel for Respondents have now informed MZ Wallace that they each also intend to use the Confidential Material as evidence at the administrative hearing in this matter. *See* Declaration of Kevin Mogyoros, dated September 9, 2024 ("Mogyoros Decl."), Ex. 1 (Letter from the FTC, dated August 29, 2024; Ex. 2 (Email from Respondents' counsel, dated August 30, 2024).

Each of the Confidential Material documents as well as MZ Wallace's deposition testimony about them and MZ Wallace's related business and competitive practices is confidential, proprietary and competitively sensitive to MZ Wallace. Public disclosure of any of these documents or testimony about such sensitive and strategic matters would cause irreparable competitive harm to MZ Wallace. *See* Mogyoros Decl., ¶¶ 5-7 and Exs. 1 and 2. As a result of the sensitive business information and trade secrets they contain, such Confidential Material warrants protection from public disclosure, which is why MZ Wallace previously designated them as Confidential Material pursuant to the Stipulated Protective Order entered in the SDNY Litigation ("Protective Order"), and why MZ Wallace moved for and has already been granted sealing and *in camera* treatment with respect to any entry or use of its Confidential Material in the SDNY Litigation. Accordingly and for the same reasons, MZ Wallace now submits this Motion requesting permanent *in camera* treatment of the Confidential Material designated by the FTC and/or Respondents for use in this matter as well. Neither the FTC nor Respondents oppose or have any objection to MZ Wallace's instant Motion.

For the reasons discussed in this Motion and the accompanying Mogyoros Declaration, MZ Wallace requests that this Court afford its Confidential Material documents and testimony *in camera* treatment indefinitely.

I. The Confidential Material For Which Protection Is Sought

MZ Wallace seeks *in camera* treatment for the following Confidential Material documents and testimony designated for use in this matter by the FTC and/or Respondents, true and correct copies of which are provided collectively as Exhibit A hereto.

TABLE A (FTC)

No.	Exhibit	Beg. Bates Label	End Bates Label
	PX3036	MZW00083	MZW00083

Exhibit No.	Beg. Bates Label	End Bates Label
PX3037	MZW00400	MZW00401
PX3041	MZW00079	MZW00080
PX3042	MZW00085	MZW00085
PX3044	MZW00392	MZW00392
PX3054	MZW00390	MZW00390

TABLE B (Respondents)

Exhibit No.	Beg. Bates Label	End Bates Label
DX-0599	MZW00405-001	MZW00405-001
DX-0247	MZW00405	MZW00405
DX-0600	MZW00393-001	MZW00393-001
DX-0598	MZW00392	MZW00392
DX-0597	MZW00391	MZW00391
DX-0601	MZW00155	MZW00155
DX-0602	MZW00091	MZW00091

Each of the FTC and Respondents has also provided notice of their intent to use and enter into evidence the transcript of MZ Wallace's July 17, 2024 deposition testimony from the SDNY Litigation, respectively designated as PX5029 and DX-0929, which discusses and reveals the same and further Confidential Material.

II. MZ Wallace's Confidential Material Documents and Testimony Are Competitively Sensitive Information and Trade Secrets, Disclosure of Which Would Cause Serious Injury to MZ Wallace

In camera treatment of material is appropriate when its "public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting" such treatment. 16 C.F.R. § 3.45(b). The proponent demonstrates serious competitive injury by showing that the documents are secret and that they are material to the business. *In re General Foods Corp.*, 95 F.T.C. 352, 355 (1980); *In re Dura Lube Corp.*, 1999 F.T.C. LEXIS 255, *5 (1999). In this context, courts generally attempt "to protect confidential business information from unnecessary airing." *HP. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961).

The Confidential Material documents and testimony at issue are both secret and material to MZ Wallace's business as detailed in the accompanying Mogyoros Declaration. In sum, the materials at issue contain information of strategic and competitive significance to MZ Wallace, such as its sales, profit margins, costs and similar financial data, marketing and other competitive strategy, and analysis of its distribution and growth plans, pricing strategy and competitive risks to MZ Wallace's business in competition with Respondents and other suppliers of handbags in the United States. Mogyoros Decl., ¶¶ 7-8. As a supplier of handbags, MZ Wallace develops proprietary designs for its handbags, sources them from contract manufacturers, develops marketing and distribution strategy, engages with wholesalers and retailers to achieve such distribution, and develops pricing strategies in order to maintain and grow its business. The details of MZ Wallace's foregoing strategy and other business conduct distinguishes MZ Wallace's brand and products in the market place, and are critical to its business development and competition strategies. *Id.*, ¶ 4.

As a result, MZ Wallace keeps the foregoing Confidential Material and similar documents and information in strict confidence because they reveal MZ Wallace's internal cost, sales, profit and other sensitive financial information as well as strategy as to how MZ Wallace markets, promotes, distributes and prices its products in competition with other handbags. MZ Wallace has devoted significant resources developing the proprietary analyses and strategies reflected in the foregoing documents related testimony about such issues, which represent substantial competitive value to MZ Wallace. Disclosure of or public access to the referenced MZ Wallace documents and testimony at issue would provide insight into MZ Wallace's proprietary finances, competitive process and marketing strategy, causing irreparable competitive injury and harm to MZ Wallace. Mogyoros Decl., ¶¶ 8-10. It is for that reason that MZ Wallace designated the material at issue as Confidential Material pursuant to the Protective

Order in the SDNY Litigation when it was initially produced to the FTC and Respondents, and then moved for and was granted an Order sealing and providing *in camera* treatment with respect to any use of such Confidential Material in the SDNY Litigation. A true and correct copy of the referenced SDNY Litigation Order granting MZ Wallace's (among others') motion to seal and for *in camera* treatment of Confidential Material (Dkt 196), dated September 6, 2024, is provided as Exhibit B hereto. Because of the highly confidential, proprietary and competitively sensitive nature of the Confidential Material at issue and its materiality to MZ Wallace's business, *in camera* treatment is appropriate here as well.

Further, disclosure of the Confidential Material would result in the loss of a business advantage to MZ Wallace. *See In re Dura Lube Corp.*, 1999 FTC LEXIS 255 at *7 (Dec. 23, 1999) ("The likely loss of business advantages is a good example of a 'clearly defined, serious injury.'"). As already noted, the Confidential Materials at issue are strategically vital to MZ Wallace in that they reveal, among other issues, how MZ Wallace markets, promotes, distributes and prices its products in competition with other handbags, which represent substantial competitive value to MZ Wallace and, accordingly, would cause substantial competitive harm and loss of business advantage to MZ Wallace were it to be revealed publicly or to competing handbag suppliers, including Respondents. Mogyoros Decl., ¶¶ 8-10.

Finally, MZ Wallace's status as a non-party that was subpoenaed and required to produce the Confidential Material at issue is relevant to the treatment of its documents and testimony. The FTC has held that "[t]here can be no question that the confidential records of businesses involved in Commission proceedings should be protected insofar as possible." *HP. Hood & Sons*, 58 F.T.C. at 1186. This is especially so in the case of a non-party, which deserves "special solicitude" in its request for *in camera* treatment for its confidential business information. *See In re Kaiser Aluminum & Chern. Corp.*, 103 FTC 500, 500 (1984) ("As a policy matter, extensions

of confidential or in camera treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery requests."). MZ Wallace's non-party status therefore weighs in favor of granting *in camera* status to the Confidential Material.

III. The Confidential Material Contains Trade Secrets, which will Remain Sensitive Over Time and Thus, Permanent *In Camera* Treatment is Further Justified

Given the highly competitively sensitive and strategic nature of the information contained in the Confidential Material, MZ Wallace requests that they be given *in camera* treatment indefinitely. The trade secret information contained in the Confidential Material at issue "is likely to remain sensitive or become more valuable and sensitive with the passage of time" such that the need for confidentiality is not likely to decrease over time. *In re Dura Lube Corp.*, 1999 FTC LEXIS at *7-8. "Trade secrets" such as the kind of strategic and proprietary business planning and competitive strategy information contained in the Confidential Materials are granted more protection than ordinary business documents. *Id.* at *5. Here, as described in the Mogyoros Declaration, the Confidential Materials contain business and trade secrets in the form of internal MZ Wallace's marketing, distribution and competitive analysis integral to its business. Mogyoros Decl., ¶¶ 7-10. The competitive significance of such information is unlikely to decrease over time and thus, indefinite protection from public disclosure is appropriate. *Id.*, ¶ 10.

IV. Conclusion

For the reasons set forth above and in the accompanying Mogyoros Declaration, MZ Wallace respectfully requests that this Court grant permanent *in camera* treatment for the Confidential Materials in their entirety.

Dated: September 10, 2024

Respectfully submitted,

AKERMAN LLP

/s/ Richard B. Brosnick

Richard B. Brosnick

1251 Avenue of the Americas, 37th Floor

New York, New York 10020

Tel: (212) 880-3800

richard.brosnick@akerman.com

Attorneys for Non-party MZ Wallace Inc.

STATEMENT REGARDING MEET AND CONFER

The undersigned certifies that counsel for Non-party MZ Wallace Inc. ("MZ Wallace") notified counsel for the parties via email on or about September 6, 2024 that it would be seeking *in camera* treatment of the Confidential Materials. Both counsel for the Federal Trade Commission and counsel for Tapestry, Inc., on behalf of both Respondents, indicated that they respectively did not oppose and would not object to MZ Wallace's instant Motion.

Dated: September 10, 2024

AKERMAN LLP

/s/ Richard B. Brosnick

Richard B. Brosnick

1251 Avenue of the Americas, 37th Floor

New York, New York 10020

Tel: (212) 880-3800

richard.brosnick@akerman.com

Attorneys for Non-party MZ Wallace Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2024, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, D.C. 20580
electronicfilings@ftc.gov

The Honorable Dania L. Ayoubi
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, D.C. 20580
oalj@ftc.gov

I also certify that I caused the foregoing document to be served via email to:

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JMMoses@wlrk.com
*Counsel for Respondent Capri Holdings
Limited*

Dated: September 10, 2024

/s/Richard B. Brosnick
Richard B. Brosnick

Attorneys for Non-party MZ Wallace, Inc.

EXHIBIT A

CONFIDENTIAL - REDACTED IN ENTIRETY

IN CAMERA TREATMENT REQUESTED

EXHIBIT B

ORDER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION,

Plaintiff,

-against-

TAPESTRY, INC. and CAPRI HOLDINGS
LIMITED,

Defendants.

Case No. 1:24-cv-03109 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

For the reasons stated on the record during the September 6, 2024 hearing, Plaintiff's motion to exclude the testimony of Karen Giberson is DENIED, Plaintiff's motion to exclude the testimony of the testimony of Jeff Gennette is DENIED, and Defendants' motion to exclude Dr. Loren Smith's opinions regarding and relying upon his diversion analysis is DENIED. The Clerk of Court is respectfully directed to close the motions pending at Dkts. 170, 175, and 184.

Additionally, for the reasons stated on the record during the September 6, 2024 hearing, the motions to seal filed in this case thus far are GRANTED. However, the Court reiterates that as the case continues to progress, some of what has been filed under seal may need to be unsealed. Specifically, the Court grants the following motions to seal and respectively directs the Court to close the motions pending at Dkts. 120, 131, 134, 135, 136, 141, 143, 147, 150, 155, 164, 165, 166, 167, 169, 174, 179, 183, 188, 193, 194, 196, 200, 202,

206, 209, 210, 211, 213, 214, 215, 216, 217, 219, 220, 221, 224, 227, 229, 231, 234, 238, 240,
245, 248, 249, 251, 254, 256, 262, 263, 267, 268, 270, 273, 274, 276, 278, 279, 284, 311, 315.

Dated: September 6, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge

MOGYOROS DECLARATION

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

_____)	
In the Matter of)	
)	
Tapestry, Inc.,)	DOCKET NO. 9429
a corporation,)	
)	
and)	
)	
Capri Holdings Limited,)	
a corporation,)	
)	
Respondents.)	
_____)	

**DECLARATION OF KEVIN MOGYOROS IN SUPPORT OF NON-PARTY
MZ WALLACE INC.'S MOTION FOR *IN CAMERA* TREATMENT**

I, Kevin Mogyoros, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the Chief Financial Officer and Chief Operating Officer of MZ Wallace Inc. ("MZ Wallace"). I make this declaration in support of Non-Party MZ Wallace's Motion for In Camera Treatment of its confidential, proprietary and competitively sensitive documents (the "Motion"). I have personal knowledge of the matters stated herein and, if called upon to do so, could competently testify about them.

2. I have reviewed and am familiar with the documents MZ Wallace produced in the parallel federal litigation related to the same matter as this action (*Federal Trade Commission v. Tapestry, Inc. and Capri Holdings, Ltd.*, 1:24-CV-03109-JLR-BCM (the "SDNY Litigation")) in response to subpoenas from both the Federal Trade Commission and Respondents in the SDNY Litigation. I provided a certification of authenticity as to the produced documents, including the documents that are the subject of the Motion.

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3. Given my position at MZ Wallace, I am familiar with the type of information contained in the documents at issue and its competitive significance to MZ Wallace. Based on my review of the documents, my knowledge of MZ Wallace's business, and my familiarity with the confidentiality protection afforded this type of information by MZ Wallace, I submit that the disclosure of these documents to the public and to competitors of MZ Wallace would cause serious competitive injury to MZ Wallace. It is for this reason that all of these documents as well as my July 17, 2024 deposition testimony in the SDNY Litigation were designated as Confidential Material pursuant to the Stipulated Protective Order entered in the SDNY Litigation (the "Protective Order"), and MZ Wallace has also moved to seal and sought *in camera* treatment with respect to any entry or use of its documents at testimony at issue in the SDNY Litigation. Neither the FTC nor Respondents opposed or had any objection to MZ Wallace's foregoing designations of its production and testimony as Confidential Material or MZ Wallace's motion seeking to seal and seek *in camera* treatment thereof.
4. MZ Wallace markets and sells handbags and related accessories in competition with the Respondents (among others) in the United States. As part of its business and such competition, as relevant to the documents and testimony subject to this Motion, MZ Wallace develops proprietary designs for its handbags, sources them from contract manufacturers, develops marketing and distribution strategy, engages with wholesalers and retailers to achieve such distribution, and develops pricing strategies in order to maintain and grow its business. The details of MZ Wallace's foregoing strategy and other business conduct distinguishes MZ Wallace's brand and products in the market place, and are critical to its business development and competition strategies.

5. Counsel for the FTC and counsel for Respondents have informed MZ Wallace that they each intend to use several of the documents as well as my deposition testimony that MZ Wallace produced in response to subpoenas issued in the SDNY Litigation at the administrative hearing in this matter. Those documents, as well as my deposition testimony, are particularly sensitive and contain confidential business and financial information as well as constitute trade secrets. As described in the Motion, MZ Wallace seeks permanent *in camera* protection of the following documents identified by the FTC (Table A) and/or Respondents (Table B):

TABLE A (FTC)

Exhibit No.	Beg. Bates Label	End Bates Label
PX3036	MZW00083	MZW00083
PX3037	MZW00400	MZW00401
PX3041	MZW00079	MZW00080
PX3042	MZW00085	MZW00085
PX3044	MZW00392	MZW00392
PX3054	MZW00390	MZW00390

TABLE B (Respondents)

Exhibit No.	Beg. Bates Label	End Bates Label
DX-0599	MZW00405-001	MZW00405-001
DX-0247	MZW00405	MZW00405
DX-0600	MZW00393-001	MZW00393-001
DX-0598	MZW00392	MZW00392
DX-0597	MZW00391	MZW00391
DX-0601	MZW00155	MZW00155
DX-0602	MZW00091	MZW00091

Each of the FTC and Respondents has also provided notice of their intent to use and enter into evidence the transcript of my July 17, 2024 deposition testimony from the SDNY Litigation, respectively designated as PX5029 and DX-0929.

6. Attached hereto respectively as Exhibits 1 and 2 are true and correct copies of (1) the letter MZ Wallace's counsel received from the FTC; dated August 29, 2024, and (2) the email MZ Wallace's counsel received from Respondents' counsel, dated August 30, 2024, providing notice of each such party's intent to use and enter MZ Wallace's referenced Confidential Material as evidence in this matter.
7. Each of the foregoing documents, as well as my deposition testimony about them and MZ Wallace's related business and competitive practices, is confidential, proprietary and competitively sensitive to MZ Wallace. Public disclosure of any of these documents or my testimony about these and related strategic matters would cause irreparable competitive harm to MZ Wallace. Specifically:
 - a. MZW00392 is MZ Wallace's confidential income statement disclosing its non-public costs, revenues and profit margins by channel of distribution, along with MZ Wallace's specific marketing expenses and other financial information related to promotion of MZ Wallace's business and products;
 - b. MZW00390 reveals confidential details of MZ Wallace's manufacturing costs as well as its partners for manufacture of MZ Wallace's products;
 - c. MZW00085 reveals MZ Wallace's internal analysis of its competitors' (including Respondents') contemporary brand assortment and how MZ Wallace views and positions its products in competition with Respondents and other handbag suppliers;
 - d. MZW00400-401 are internal emails revealing MZ Wallace's pricing strategy for particular types of its products, including discussion of how MZ Wallace's prices

and markets its products to compete and promote its products in competition with those of Respondents and other handbag suppliers;

- e. MZW00079-80 are internal emails discussing MZ Wallace's social media marketing strategy and positioning relative to and in order to best compete with the products of Respondents and other handbag suppliers;
- f. MZW00083 reveals MZ Wallace's internal analysis of how MZ Wallace views its competitive standing relative to Respondents and other handbag suppliers based on social media engagement metrics, including MZ Wallace's competitive social media marketing strategy.
- g. MZW00391 is MZ Wallace's confidential granular sales data by product that also reveals MZ Wallace's growth, channel and distribution strategy and result as well as other proprietary and competitively sensitive financial and strategic information;
- h. MZW00393 and MZW00405 (including Respondents' sub-designation of MZW00393-001 and MZW00405-001, which are part of those respective documents produced by MZ Wallace) are each internal presentations providing MZ Wallace's analysis of its marketing, channel and distribution strategies and strategic growth plans, including with respect to marketing and positioning of its products and analysis of MZ Wallace's customers, competition and addressing potential threats to its business;
- i. MZW00091 and MZW00155 contain internal presentations and emails discussing and revealing MZ Wallace's distribution strategy with one of its primary channel retailers, as well as strategic priorities and positioning for the promotion and sale

of MZ Wallace products to strategically targeted customer groups in competition with Respondents and other suppliers of handbags; and

- j. My deposition testimony from the SDNY Litigation reveals my and MZ Wallace's analysis of each of the foregoing documents and their respective contents, as well as other confidential and proprietary details related to MZ Wallace's business, marketing, distribution, competition and strategic plans.
8. MZ Wallace keeps the foregoing and similar documents and information in strict confidence because they reveal MZ Wallace's internal cost, sales, profit and other sensitive financial information as well as strategy as to how MZ Wallace markets, promotes, distributes and prices its products in competition with other handbags. MZ Wallace has devoted significant resources developing the proprietary analyses and strategies reflected in the foregoing documents and my related testimony, which represent substantial competitive value to MZ Wallace.
9. Disclosure of or public access to the referenced MZ Wallace documents and testimony at issue would provide insight into MZ Wallace's proprietary finances, competitive process and marketing strategy, causing irreparable competitive injury and harm to MZ Wallace.
10. The information contained in and revealed by the foregoing documents and my testimony is not publicly available and also constitutes MZ Wallace's business and trade secrets. For this reason, MZ Wallace has devoted significant resources to protecting its confidentiality. Moreover, the competitive significance of such financial and strategic information is unlikely to decrease over time and thus, indefinite protection from public disclosure is appropriate.

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Pursuant to 28 U.S.C. § 1746, I declare, under the penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: 9/9/24


Kevin Mogyoros

MOGYOROS DECLARATION

Ex. 1

**(Letter from the FTC, dated
August 29, 2024)**

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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Competition
Mergers II Division

August 29, 2024

VIA EMAIL TRANSMISSION

MZ Wallace, Inc.
Richard Brosnick
Akerman LLC
1251 Avenue of the Americas
37th Floor
New York, NY 10020
richard.brosnick@akerman.com

RE: *In the Matter of Tapestry, Inc. and Capri Holdings Limited*, Docket No. 9429

Dear Richard Brosnick:

By this letter we are providing formal notice, pursuant to Rule 3.45(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.45(b), that Complaint Counsel intends to offer the documents and testimony referenced in the enclosed Attachment A into evidence in the administrative trial in the above-captioned matter. Please let me know if you need copies of the documents and testimony referenced in Attachment A.

The administrative trial is scheduled to begin on September 25, 2024. All exhibits admitted into evidence become part of the public record unless Administrative Law Judge Dania L. Ayoubi grants *in camera* status (i.e., non-public/confidential).

For documents or testimony that include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R. §§ 3.45 and 4.10(g). Judge Ayoubi may order materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly-defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re Jerk, LLC*, 2015 FTC LEXIS 39 (Feb. 23, 2015); *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the material. *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (Apr. 23, 2004). For your convenience, we included, as links in the cover email, an example of a third-party motion (and the accompanying declaration or affidavit) for *in camera* treatment that was filed and granted in an FTC administrative proceeding. If you choose to move for *in camera* treatment, you must provide a copy of the

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document(s) for which you seek such treatment to the Administrative Law Judge. Also, you or your representative will need to file a Notice of Appearance in the administrative proceeding. For more information regarding filing documents in adjudicative proceedings, please see <https://www.ftc.gov/about-ftc/bureaus-offices/office-secretary/document-filing>.

Please be aware that under the current Scheduling Order **the deadline for filing motions seeking *in camera* treatment is September 10, 2024**. A copy of the May 16, 2024 Scheduling Order can be found at [Tapestry/Capri](#). If you have any questions, please feel free to contact me at (202) 326-2701 or lantonini@ftc.gov.

Sincerely,

/s/ Laura Antonini

Laura Antonini

Counsel Supporting the Complaint

Attachment

ATTACHMENT A
CONFIDENTIALITY NOTICE

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Ex No.	Description	Date	Bates-Begin	Bates-End
PX3036	MZ Wallace Spreadsheet: Competitors_SOV.xlsx	3/3/2020	MZW00083	MZW00083
PX3037	Email from Suzie Butch to Showroom re: Price Updates_3.7.22	3/7/2022	MZW00400	MZW00401
PX3041	Email from Dana Davis to Eliza Sniatkowski re: Question	1/3/2019	MZW00079	MZW00080
PX3042	MZ Wallace Presentation: Contemporary Brand Assortment	2/4/2021	MZW00085	MZW00085
PX3044	Spreadsheet: CONFIDENTIAL MZW INCOME STATEMENT 2019-PRESENT.xlsx		MZW00392	MZW00392
PX3054	MZ Wallace Spreadsheet: CONFIDENTIAL MZW Manufacturing 2019-.xlsx		MZW00390	MZW00390
PX5029	Deposition Transcript of Kevin Mogyoros (MZ Wallace) (July 17, 2024)	7/17/2024	PX5029-001	PX5029-038

MOGYOROS DECLARATION

Ex. 2

**(Email from Respondents'
counsel, dated August 30,
2024)**

PUBLIC

From: Graham.Haviland@lw.com
Sent: Friday, August 30, 2024 4:35 PM
To: Brosnick, Richard (Ptrn-NY)
Cc: Bhai, Angad (Assoc-NY)
Subject: In the Matter of Tapestry Inc., and Capri Holdings Ltd., Dkt No. 9439
Attachments: 2024.04.25 - Protective Order Governing Confidential Material.pdf; 2024.05.16 - Scheduling Order.pdf

[External to Akerman]

Counsel,

Pursuant to the Scheduling Order and Protective Order *In the Matter of Tapestry Inc., and Capri Holdings Ltd.*, Dkt No. 9439 (attached for reference) and 16 C.F.R. § 3.45(b), we are providing notice that we intend to offer materials or testimony provided by MZ Wallace (the “third party”) as evidence at the FTC’s Part 3 administrative evidentiary hearing beginning on September 25, 2024 in Washington, DC. Accordingly, pursuant to the Scheduling Order in this matter, if a third party wishes *in camera* treatment for a document or transcript that a party intends to introduce into evidence, that third party shall file an appropriate motion with the Administrative Law Judge within ten (10) days after it receives notice of a party’s intent to introduce such material. Respondents will not oppose any proposed *in camera* treatment. The materials and/or testimony included are:

- DX-0599 - MZW00405-001
- DX-0247 - MZW00405
- DX-0600 - MZW00393-001
- DX-0598 - MZW00392
- DX-0597 - MZW00391
- DX-0601 - MZW00155
- DX-0602 - MZW00091
- DX-0929 - Deposition transcript of Kevin Mogyoros (MZ Wallace)

We are also filing in *FTC v. Tapestry, Inc.*, No. 24-cv-3109 (S.D.N.Y.) proposed findings of fact and conclusions of law that contain some of the Confidential Material of MZ Wallace that we have previously identified to you and filed under seal in the federal proceeding. The materials and/or testimony included are:

- DX-0599 - MZW00405-001
- DX-0929 - Deposition transcript of Kevin Mogyoros (MZ Wallace)

We plan on filing any Confidential Material under seal and believe that, under the protective order, any third-party Confidential Material may be filed under seal without a motion and no further motion or letter is required of third-parties, unless ordered by the Court. See P.O. Para. 9, ECF No. 70.

Graham Haviland

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Suite 1000
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Email: graham.haviland@lw.com
<https://www.lw.com>

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**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
Tapestry, Inc.,)	DOCKET NO. 9429
a corporation,)	
)	
and)	
)	
Capri Holdings Limited,)	
a corporation,)	
)	
Respondents.)	
)	

[PROPOSED] ORDER

Upon consideration of Non-Party MZ Wallace Inc.'s ("MZ Wallace") Motion for *In Camera* Treatment, it is HEREBY ORDERED that the following documents are to be provided permanent *in camera* treatment from the date of this Order in their entirety.

Exhibit No.	Document Title/Description	Date	Beg. Bates Label	End Bates Label
PX3036	Income statement	March 20, 2020	MZW00083	MZW00083
PX3037	Internal pricing strategy emails	March 7, 2022	MZW00400	MZW00401
PX3041	Internal marketing strategy emails	January 3, 2019	MZW00079	MZW00080
PX3042	Internal analysis of competitor brands	February 4, 2021	MZW00085	MZW00085
PX3044	Income statement	January 1, 2019- May 20, 2024	MZW00392	MZW00392
PX3054	Manufacturing partners and details	2019-2024	MZW00390	MZW00390
PX5029	Transcript of FRCP 30(b)(6) deposition of MZ Wallace	July 17, 2024	PX5029-001	PX5029-038
DX-0599	Internal strategic growth plan	April 30, 2015- January 1, 2023	MZW00405-001	MZW00405-001
DX-0247	Internal strategic growth plan	April 30, 2015- January 1, 2023	MZW00405	MZW00405

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Exhibit No.	Document Title/Description	Date	Beg. Bates Label	End Bates Label
DX-0600	Internal marketing Strategy	March 2, 2020	MZW00393-001	MZW00393-001
DX-0598	Income statement	January 1, 2019- May 20, 2024	MZW00392	MZW00392
DX-0597	Sales data and other information	January 1, 2019- May 31, 2024	MZW00391	MZW00391
DX-0601	Internal distribution and strategy emails	January 20, 2023	MZW00155	MZW00155
DX-0602	Internal distribution and strategy presentation	November 8, 2023	MZW00091	MZW00091
DX-0929	Transcript of FRCP 30(b)(6) deposition of MZ Wallace	July 17, 2024	N/A	N/A

ORDERED:

The Honorable Dania L. Ayoubi
Administrative Law Judge

Date: _____, 2024