

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)

Evanston Northwestern Healthcare)
Corporation,)
a corporation, and)

ENH Medical Group, Inc.,)
a corporation.)

) Docket No. 9315
) (Public Record Version)

RESPONDENTS' ANSWERS AND OBJECTIONS TO
COMPLAINT COUNSEL'S FIRST REQUEST FOR ADMISSIONS
CONCERNING AUTHENTICITY AND ADMISSIBILITY

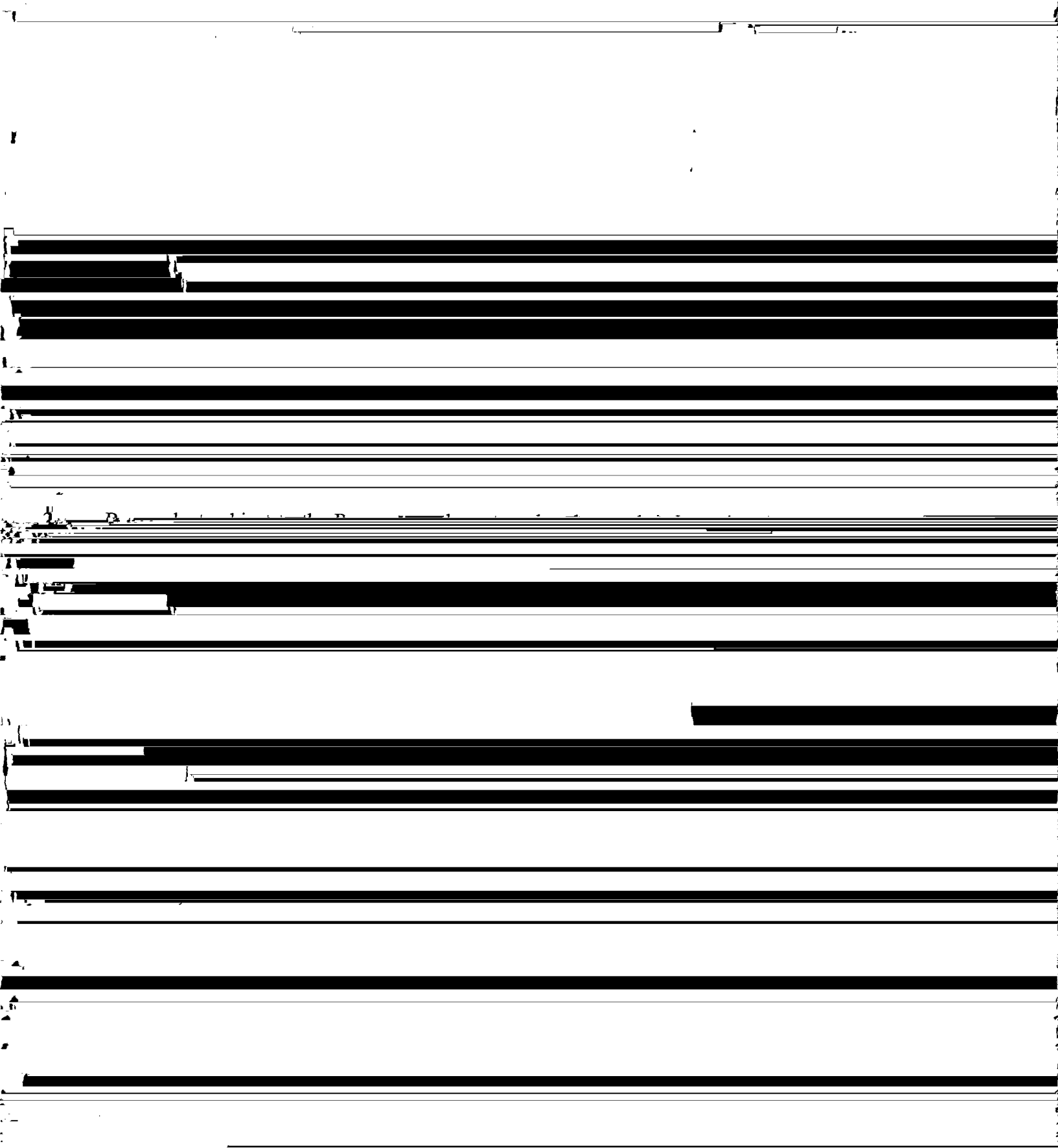
Pursuant to the Federal Trade Commission's Rules of Practice ("Rules"), 16 C.F.R. § 3.32, Respondents hereby file their answers and objections to Complaint Counsel's First Request for Admissions to Respondents Evanston Northwestern Healthcare Corporation ("ENH") and ENH Medical Group, Inc. ("ENH MG").

General Objections

The following general objections ("General Objections") apply to all of Complaint

2. Respondents object to the Requests to the extent that they require responses

greater than beyond the requirements of and/or stipulated in the D.C.



record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

2. The document attached to this Request for Admissions as Exhibit CX-05001 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), with its attachments A, A-1, and A-2, effective [REDACTED], to CX-05000. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05001 is presumptively authentic, genuine, and a true and correct copy of the original amendment, effective [REDACTED], to a

[REDACTED]

presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to the [REDACTED] contract. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable

the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

4. Exhibits CX-05000 through CX-05002 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus a cover letter and a more legible copy of the text of one amendment) between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

Evanston Northwestern Healthcare

5. The document attached to this Request for Admissions as Exhibit CX-05003 is authentic, genuine, and a true and correct copy of a contract (plus a cover letter) between

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

ANSWER: Respondents admit that Exhibit CX-05004 appears to be authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05003. Respondents further admit that this Exhibit appears to be a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

authentic, genuine, and a true and correct copy of an amendment, with its attachments A-1, A-2, and A-3, effective [REDACTED], to CX-05003. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05005 appears to be authentic.

does not explicitly state that it is an amendment to CX-05003. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to

submit an answer to this portion of the Request. This factual issue may be resolved by discovery.

Respondents reserve their right to amend their answer to this Request

11. The document attached to this Request for Admissions as Exhibit CX-05008 is

authentic, genuine, and a true and correct copy of [REDACTED]

schedule, effective [REDACTED], to CX-05003. The amendment is a business record of one or

both parties to the amendment. The amendment is [REDACTED]

[REDACTED]

CX-05010. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05011 is presumptively authentic, genuine, and a true and correct copy of an amendment to a [REDACTED] Agreement between [REDACTED] and Highland Park. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05010. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to

admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

17. Exhibits CX-05010 through CX-05011 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request

that discovery is ongoing. Respondents reserve their right to amend their answer to this

presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

19. The document attached to this Request for Admissions as Exhibit CX-05013 is authentic, genuine, and a true and correct copy of an amendment, with its [REDACTED] and [REDACTED] attachments, effective [REDACTED], to CX-05012. The amendment is a

business record of one or both parties to the amendment. The amendment is admissible into

fax transmittal sheet, and the [REDACTED] amendment (Attachment A) and [REDACTED] amendment (Amendment to [REDACTED] Agreement) being assigned, and some related matters effective [REDACTED]. The consent to assignment is a business record of one or both

parties to the consent to assignment. The consent to assignment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05014 is presumptively authentic, genuine, and a true and correct copy of a consent to assignment [plus a cover letter].

ANSWER: Respondents admit that Exhibit CX-05015 is presumptively authentic,

genuine and a true and correct copy of a contract between [REDACTED] and [REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable

by Defendants is insufficient to enable them to identify the individuals who are the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CX-05017. The amendment is a business record of one or both parties to the contract.

amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-050010 appears to be authentic

genuine, and a true and correct copy of an amendment, effective [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit

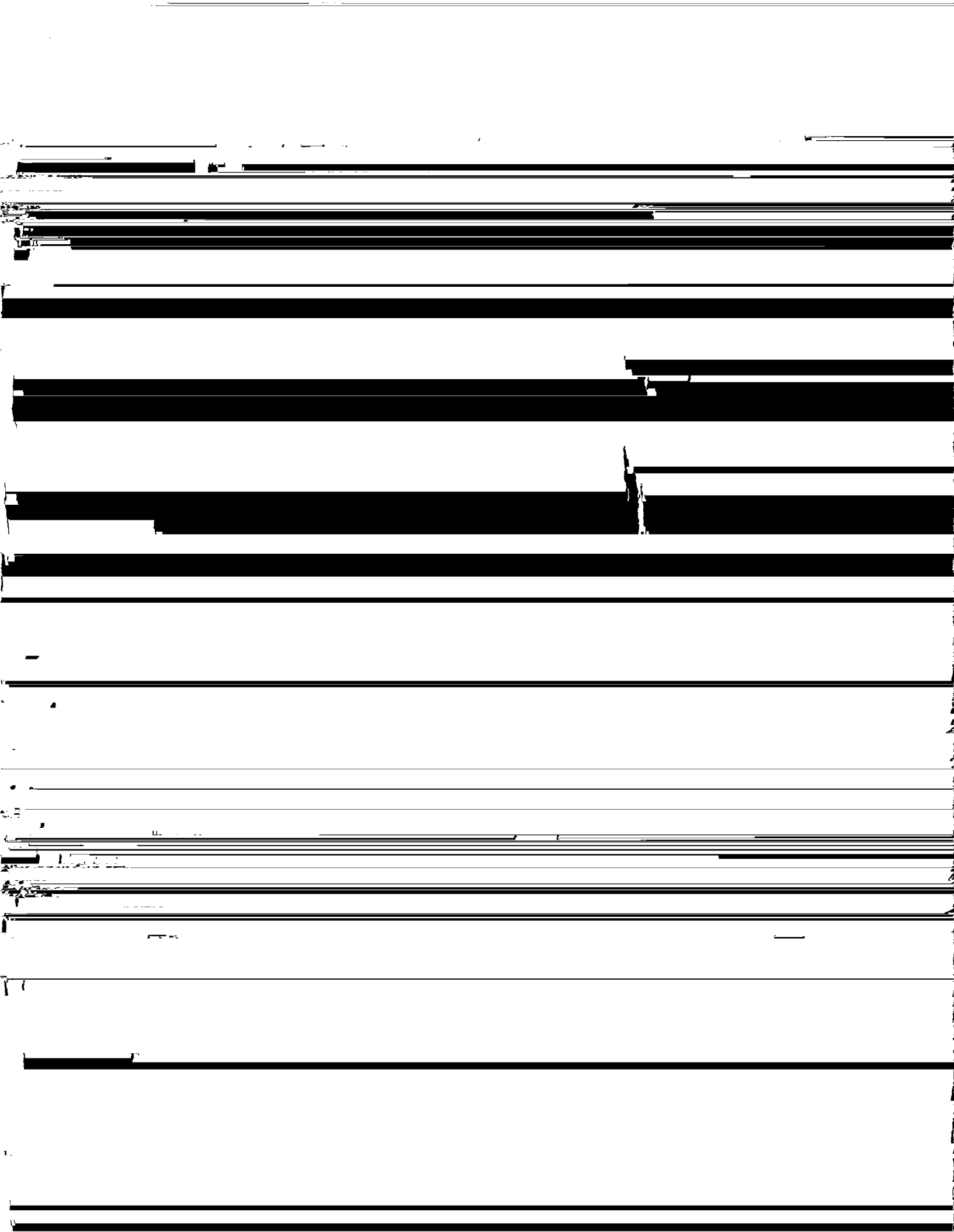
Corporation, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at

~~this point in the litigation to challenge these assumptions.~~

[REDACTED]

[REDACTED]

20 The document(s) identified in this exhibit are not relevant to the case.



Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

38. The document attached to this Request for Admissions as Exhibit CX-05027 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to

CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

[REDACTED]

ANSWER: Respondent does not admit to the truth of CX-05027.

[REDACTED]

[REDACTED]

given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

41. The document attached to this Request for Admissions as Exhibit CX-05029 is

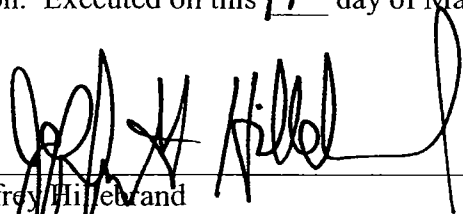
CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05029 is presumptively authentic,

and a true and correct copy of the amendment to the amended answer to the Request for Admissions as Exhibit CX-05020.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 19th day of May, 2004.



Jeffrey Hillbrand
Chief Operating Officer
Evanston Northwestern Healthcare Corporation

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 19th day of May, 2004.

[REDACTED]

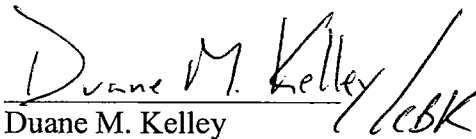
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respectfully Submitted

Handwritten signature of Duane M. Kelley in black ink, with a large, stylized flourish extending to the right.

Duane M. Kelley
WINSTON & STRAWN LLP
35 West Wacker Dr.
Chicago, IL 60601-9703
(312) 558-5764
Fax: (312) 558-5700
Email: dkelley@winston.com

Michael L. Sibarium
Charles B. Klein
WINSTON & STRAWN LLP
1400 L Street, NW
Washington, DC 20005
(202) 371-5700
Fax: (202) 371-5950
Email: msibarium@winston.com
Email: cklein@winston.com

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2004, a copy of the foregoing Respondents' Answers and

Declarations, Exhibits, and Affidavits of Service, together with the original of the

A declaration was served (unless otherwise indicated) by email and first class mail, western