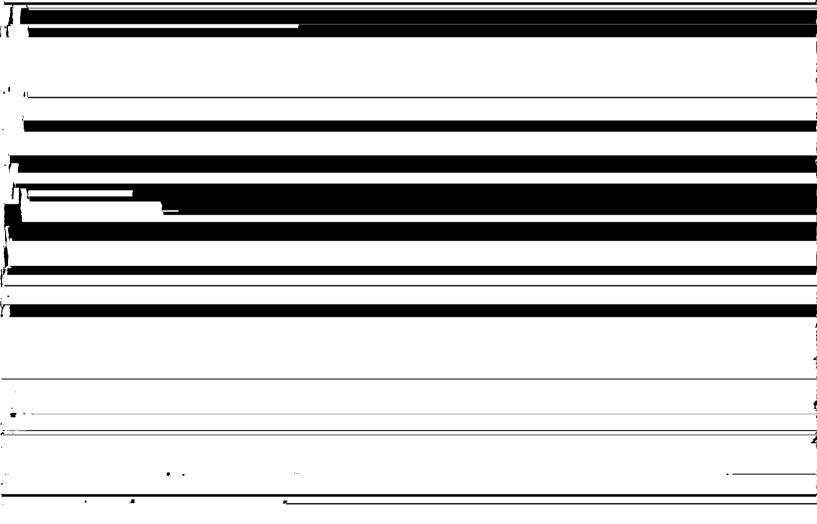
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In the Matter of Evanston Northwestern Healthcare Corporation, a corporation, and))) Docket No. 9315
In the Matter of Evanston Northwestern Healthcare Corporation, a corporation, and ENH Medical Group, Inc.,))) Docket No. 9315
In the Matter of Evanston Northwestern Healthcare Corporation, a corporation, and))) Docket No. 9315

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

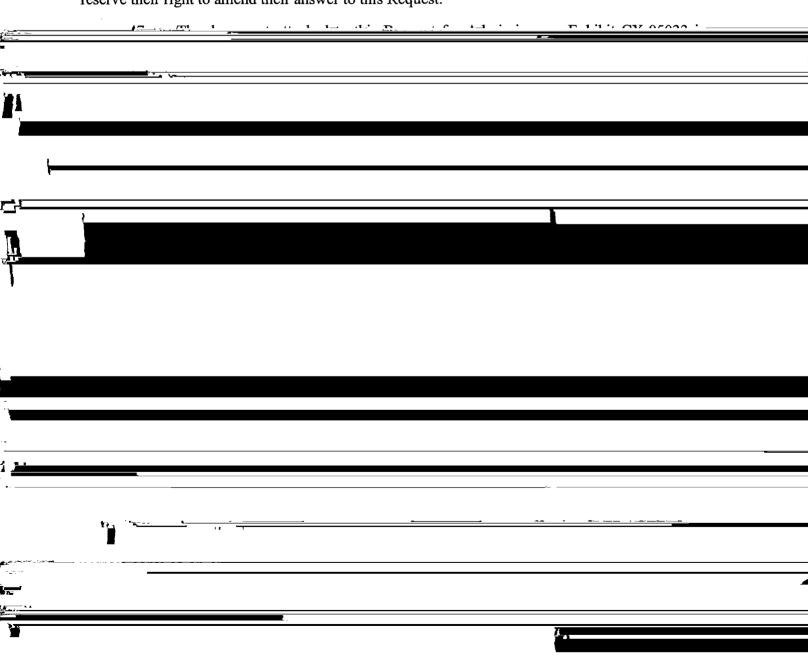
- 2. Respondents object to the Requests to the extent that they require responses greater than, beyond the requirements of, and/or at variance to the Rules.
- 3. Respondents object to the Requests to the extent that they seek information that may be less onerously obtained through other discovery devices.
- 4. Respondents object to the Requests to the extent that they are vague and ambiguous in that they fail to adequately define the terms used in the Requests.
- 5. Respondents object to the Requests to the extent that they seek legal conclusions. For example, Respondents object to the Requests to the extent that they seek admissions that particular documents actually are admissible into evidence because such determinations must be made by the Court, not the parties. Complaint Counsel is really asking Respondents to admit that they will not abject to the admissibility of particular documents. Such a ground is not



known to or readily obtainable by Respondents is insufficient to enable Respondents to admit or deny the authenticity of documents. Respondents thus reserve the right to challenge the authenticity of any document referenced in these Requests based on facts learned during Respondents, however, acknowledge that, under Rule 3.43(b)(2), documents discovery. madical buthon from their own files are manufactural without and have a

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record of one or both contract	ing parties. Respondents have no basis at this point in the litigation
to challenge these presumptio	ns.
to challenge these presumptio 44. Exhibit CX-05	ons. 6030 constitutes an authentic, genuine, true and correct copy of the
to challenge these presumption 44. Exhibit CX-05 complete set of the [REDA)	ons. 6030 constitutes an authentic, genuine, true and correct copy of the CTED] contracts and amendments (plus a cover letter) between
to challenge these presumption 44. Exhibit CX-05 complete set of the [REDA)	ons. 6030 constitutes an authentic, genuine, true and correct copy of the
to challenge these presumption 44. Exhibit CX-05 complete set of the [REDACTION OF THE PROPERTY OF THE PROPE	CTED] contracts and amendments (plus a cover letter) between
to challenge these presumption 44. Exhibit CX-05 complete set of the [REDAGE]	CTED] contracts and amendments (plus a cover letter) between

Park and [REDACTED] contract. 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 Exhibit CX-05031. 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.



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

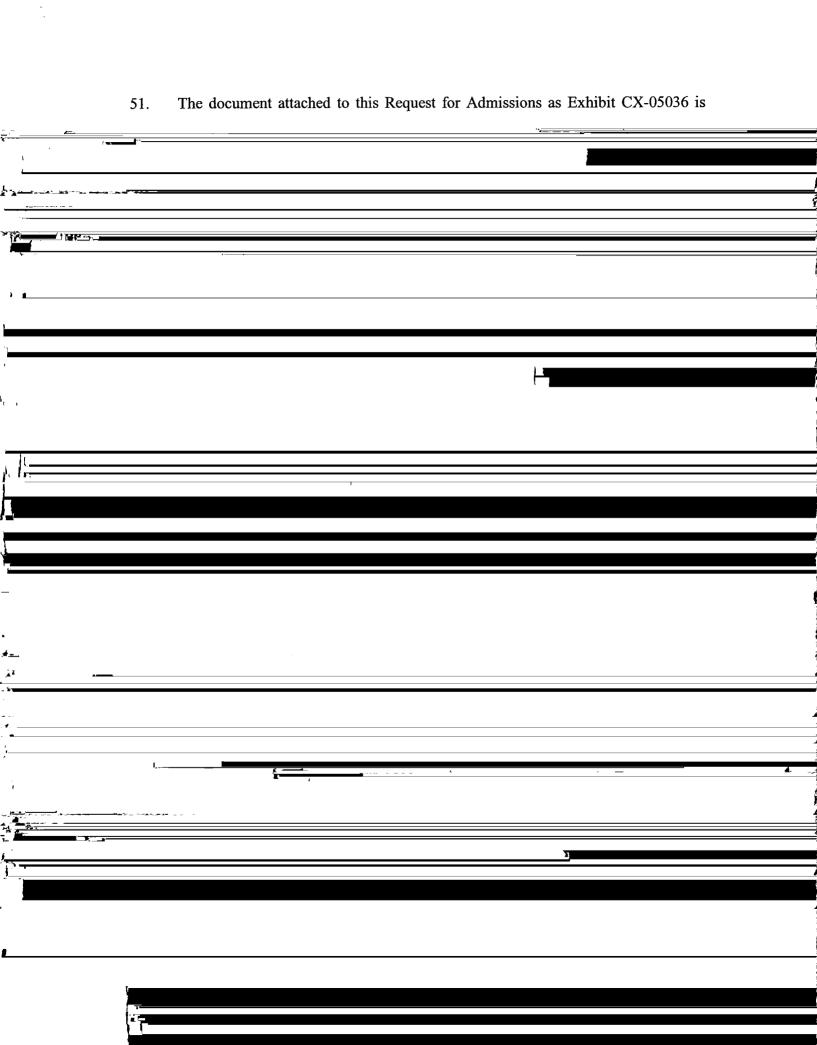
[REDACTED]

49 The document attached to this Request for Admissions as Exhibit CX-05034 is

authentic, genuine, and a true and correct copy of a contract (plus a cover letter) between [REDACTED] and Highland Park, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05034 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business

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The document attached to this Request for Admissions as Exhibit CX-05040 is 55. authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), effective

amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05040 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED] contract. 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-05034. Despite reasonable inquiry, the information known to or

	57. Exhibits CX-05034 through CX-05041 constitute an authentic, genuine, true and
	correct copy of the complete set of the [REDACTED] contracts and amendments (plus five cover
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	set of exhibits is admissionable into evidence in this matter.
	ANSWER: Despite reasonable inquiry, the information known to or readily obtainable

Evanston Northwestern Healthcare

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.

in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05042. 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.

60. The document attached to this Request for Admissions as Exhibit CX-05044 is authentic, genuine, and a true and correct copy of an amendment, signed in [REDACTED], to CX-05042. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Resnondents admit that Exhibit CX-05044 is presumptively authentic

62. The document attached to this Request for Admissions as Exhibit CX-05045 is authentic, genuine, and a true and correct copy of an amendment (plus an attached note), dated [REDACTED], to CX-05042. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

Respondents admit that Exhibit CX-05045 is presumptively authentic, **ANSWER:**

and Evanston Hospital contract. 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 CV 05042. Despite reasonable inquiry, the information known to an

	[REDACTED] contracts or amendments are business records of one or more parties to the
	opritrant or amondment commente and administration or anidense in this
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	matter.
	ANSWER: Respondents admit that Exhibit CX-05047 is presumptively authentic,
	genuine, and true and correct copies of two contracts between [REDACTED] and Evanston
	Hospital. 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
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	67. The document attached to this Request for Admissions as Exhibit CX-05044 is
<u>.</u>	authentic, genuine, and a true and correct conv of an amendment, signed in [REDACTED], to
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	CX-05048. 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-05044 is presumptively authentic,
	genuine, and a true and correct copy of an amendment signed in [REDACTED], to a
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Exhibits CX-05048 through CX-05049 and CX-05044 constitute an authentic, 69. genuine. true and correct copy of the complete set of the [REDACTED] contracts and given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

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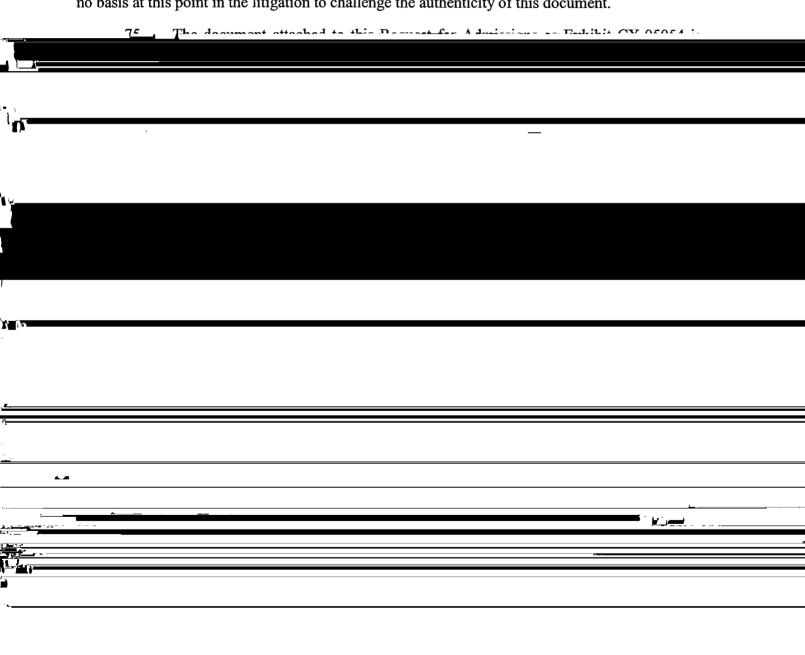
72. The document attached to this Request for Admissions as Exhibit CX-05051 is authentic, genuine, and a true and correct copy of a [REDACTED] amendment, effective [REDACTED] The amendment is a business record of one or both parties to the amendment

The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05051 appears to be authentic, genuine, and a true and correct copy of a [REDACTED] amendment, effective [REDACTED]. Respondents further admit that this Exhibit appears to be a business record of one or both contracting parties. This Exhibit concerning Evanston Hospital, however, did not come from Respondents' files and, therefore, despite reasonable inquiry, the information known to or

records of one or both parties to the amendment. The amendments are admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05053 is presumptively authentic, genuine, and a true and correct copy of two amendments between [REDACTED] and Evanston Hospital and Glenbrook Hospital, 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 the authenticity of this document.



77. The document attached to this Request for Admissions as Exhibit CX-05044 is authentic, genuine, and a true and correct copy of an amendment, signed in [REDACTED]. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

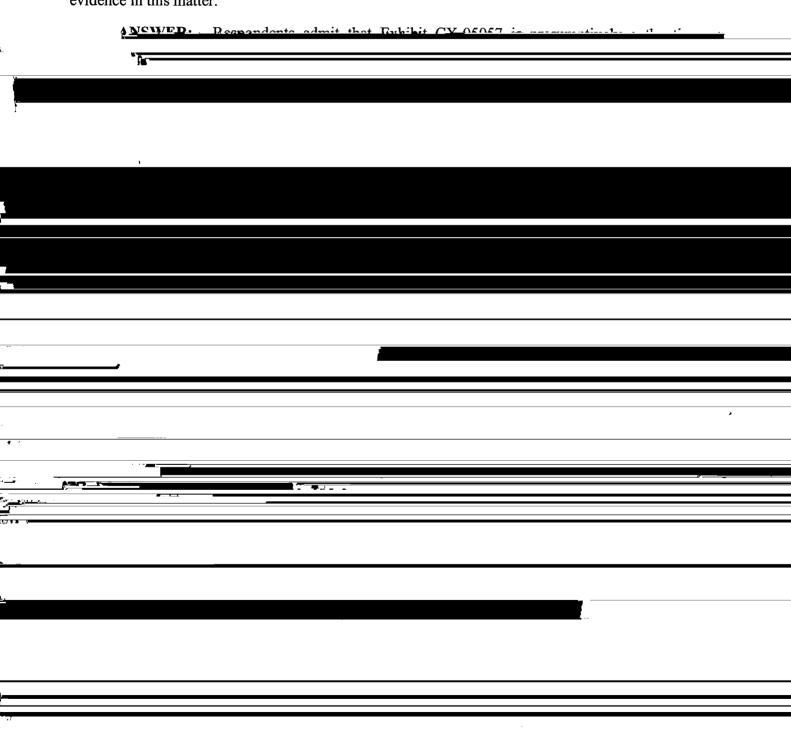
ANSWER: Respondents admit that Exhibit CX-05044 is presumptively authentic, genuine, and a true and correct copy of an amendment signed in [REDACTED], to a [REDACTED] and Evanston Hospital contract. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Because done to be besided

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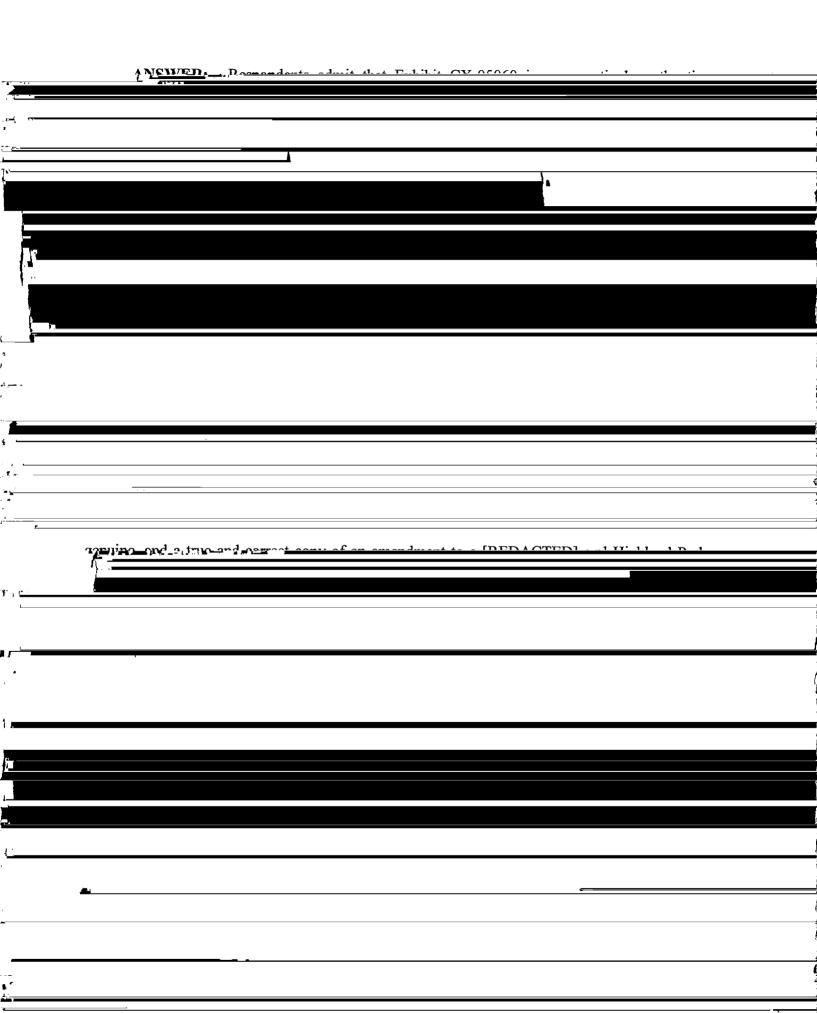
this point in the litigation to challenge the authenticity of this document.

78. The document attached to this Request for Admissions as Exhibit CX-05056 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED]. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

80. The document attached to this Request for Admissions as Exhibit CX-05057 is authentic, genuine, and a true and correct copy of an amendment to a [REDACTED] and Evanston Northwestern Healthcare contract, effective [REDACTED]. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.



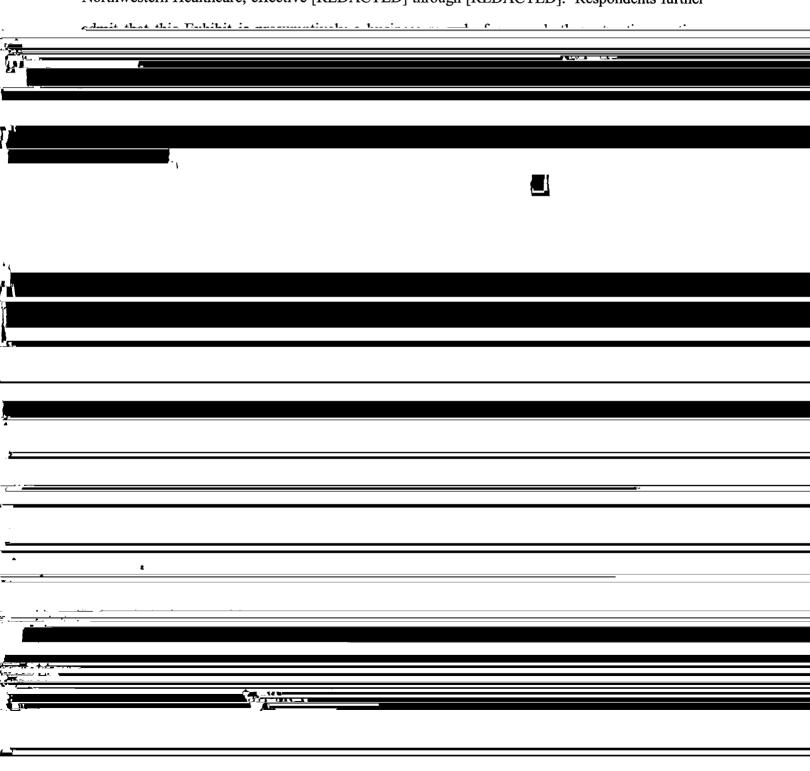
ANSWER: Respondents admit that Exhibit CX-05058 is presumptively authentic,		A NGWFD.	Respondents admi	it that Evhibit (TV 05058 is presumptively	outhontio
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[REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05063 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED] through [REDACTED]. Respondents further



correct copy of the complete set of the [REDACTED] contracts, amendments, and notices of termination between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

	97.	Exhibits CX-0	05065 through (CX-05066 const	itute an authent	ic, genuine, true	and
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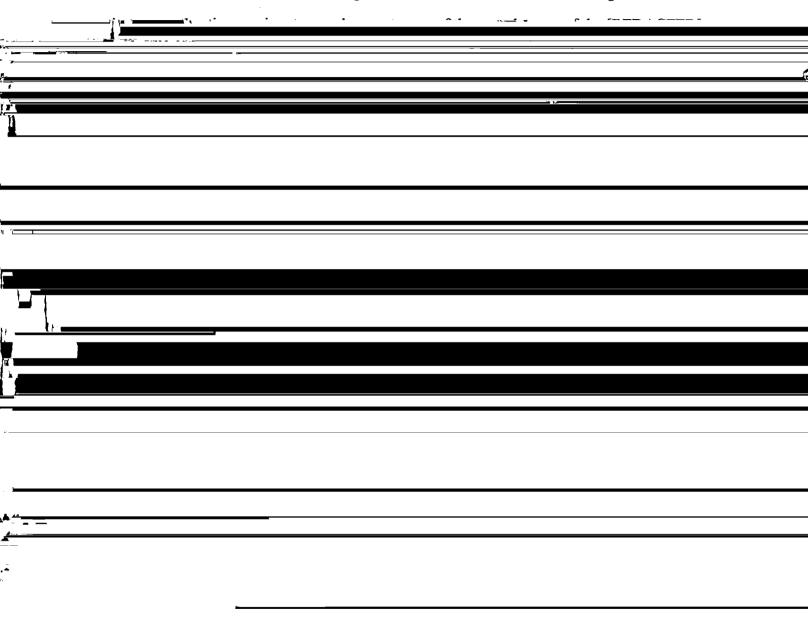
	100. The document attached to this Request for Admissions as Exhibit CX-05063 is
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	authentic, genuine, and a true and correct copy of a contract between [REDACTED] and
<u> </u>	Evanston Northwestern Healthcare_effective [REDACTED] through [REDACTED] The
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	[DED ACTED] contract is a larginage massed of case of lastic at the contract of the contract o
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	admissible into evidence in this matter.

Respondents admit that Exhibit CX-05063 is presumptively authentic,

ANSWER:

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

103. Exhibits CX-05065 through CX-05067 and CX-05062 through CX-05063



contracts, amendments, and notices of termination between [REDACTED] and Evanston Northwestern Healthcare 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.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my	
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Respectfully Submitted,

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

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Chief Administrative Law Judge Federal Trade Commission 600 Pennsylvania Ave. NW (H-106) Washington, DC 20580 (two courtesy copies delivered by messenger only)

Thomas H. Brock, Esq. Federal Trade Commission 600 Pennsylvania, Ave. NW (H-374) Washington, DC 20580 tbrock@ftc.gov