

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 object to the admissibility of particular documents. Such a request is not

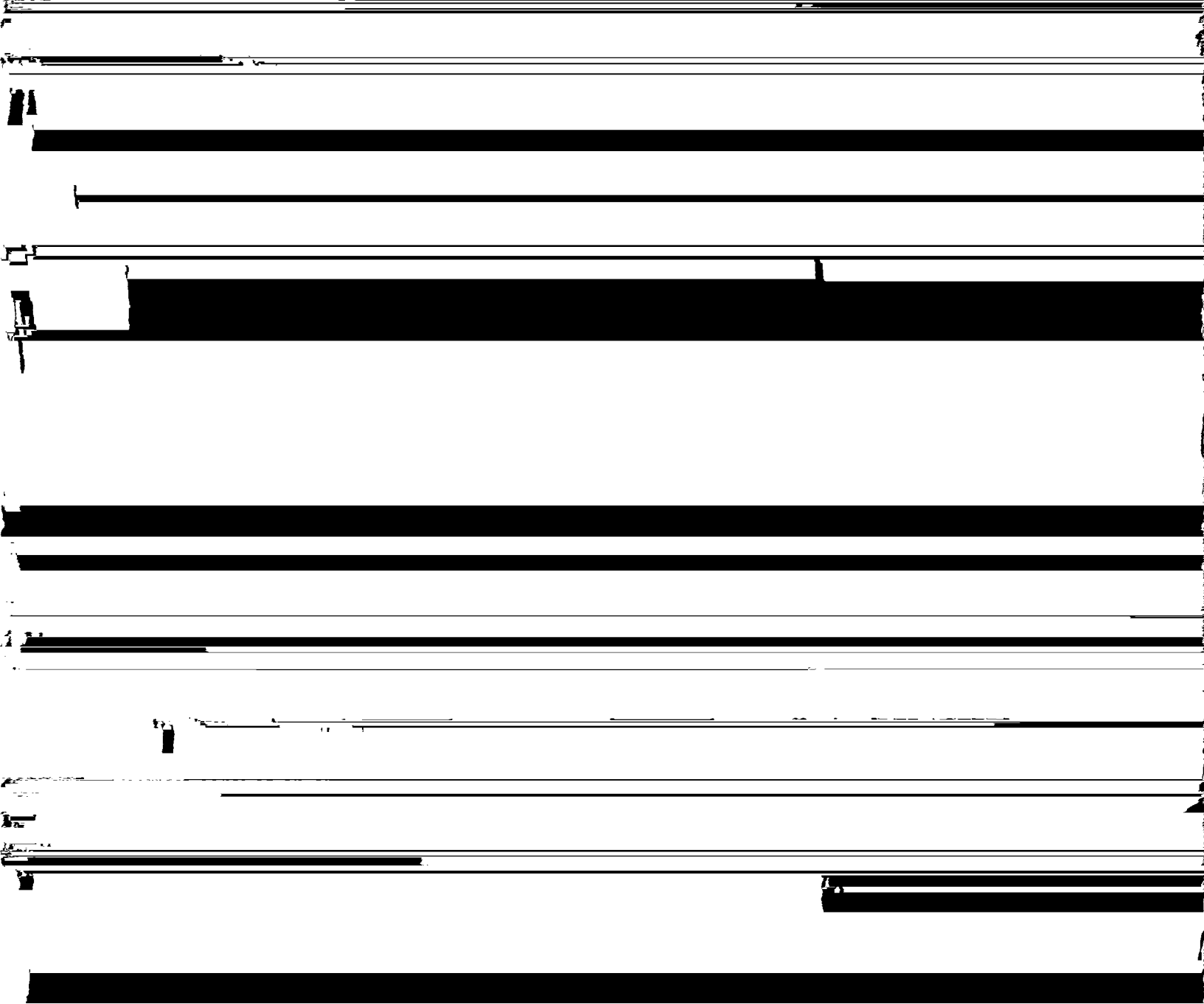
authorized under Rule 3.32 and, in any event, is premature given that the parties are in the midst

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

discovery. Respondents, however, acknowledge that, under Rule 3.43(b)(2), documents produced by them from their own files are presumptively authentic and that

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.

EXHIBIT CX-05031



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

51. The document attached to this Request for Admissions as Exhibit CX-05036 is

[REDACTED]

[REDACTED]

[REDACTED]



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

[REDACTED] to CX-05034. The [REDACTED] 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-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 readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of

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

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

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: Respondents 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.

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

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 CX-05042. Despite reasonable inquiry, the information known to us

[REDACTED] contracts or amendments are business records of one or more parties to the contract or amendment. The contracts or amendments are admissible into evidence in this

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

the litigation to challenge the authenticity of this document.

67. 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-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

69. Exhibits CX-05048 through CX-05049 and CX-05044 constitute an authentic, 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.

[REDACTED]

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

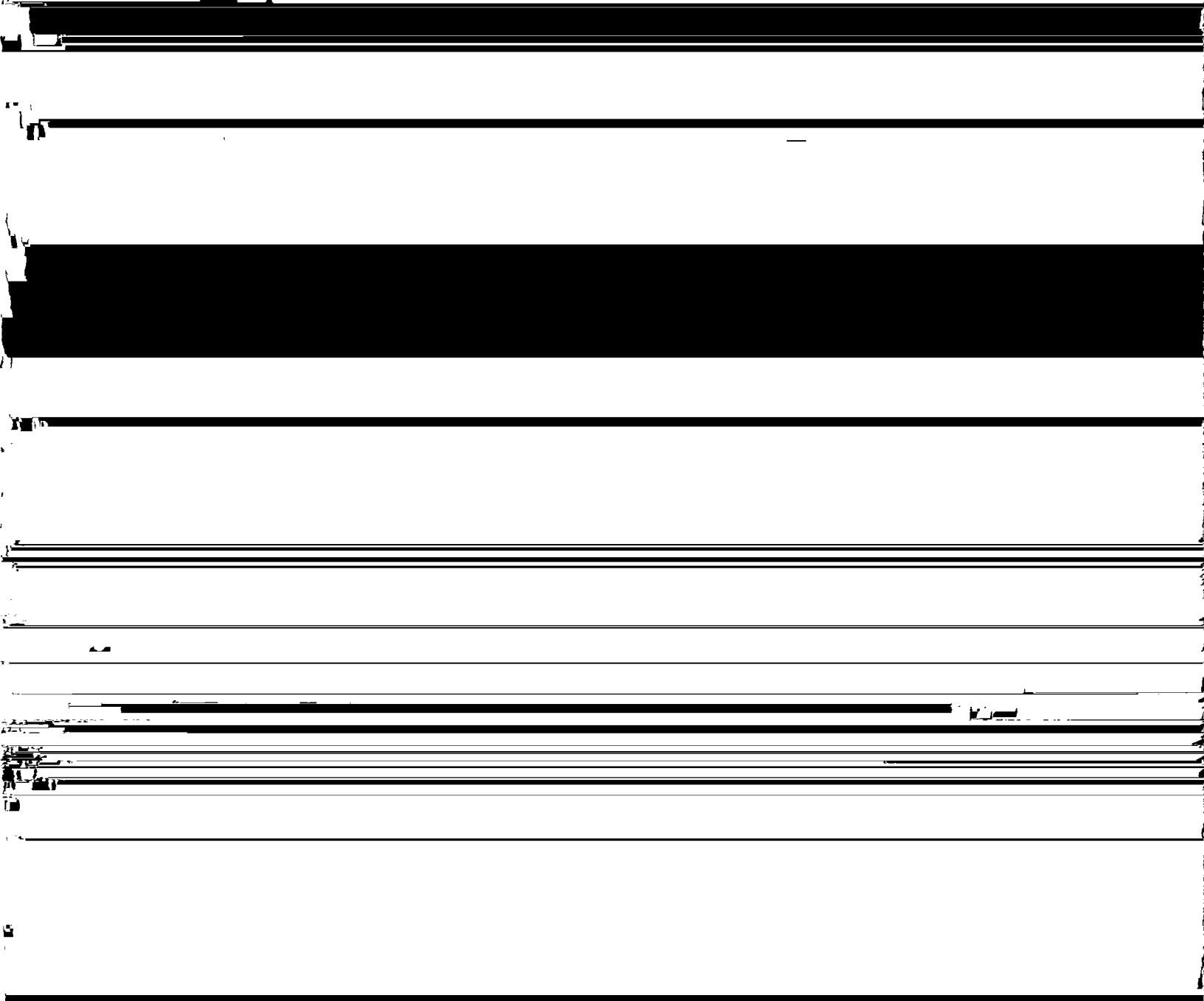
The amendment is admissible into evidence in this matter.

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 readily obtainable by Respondents is insufficient to enable them to admit and deny the facts

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.

75. The document attached to this Request for Admissions as Exhibit CX-05054 is



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-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,

effective [REDACTED]. Respondents further admit that this Exhibit is representative of business

ANSWER: Respondents admit that Exhibit CV 05000

... and a true and correct copy of an amendment to [REDACTED] 11/11/10

Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of an exhibit

is admissible into evidence in this matter.

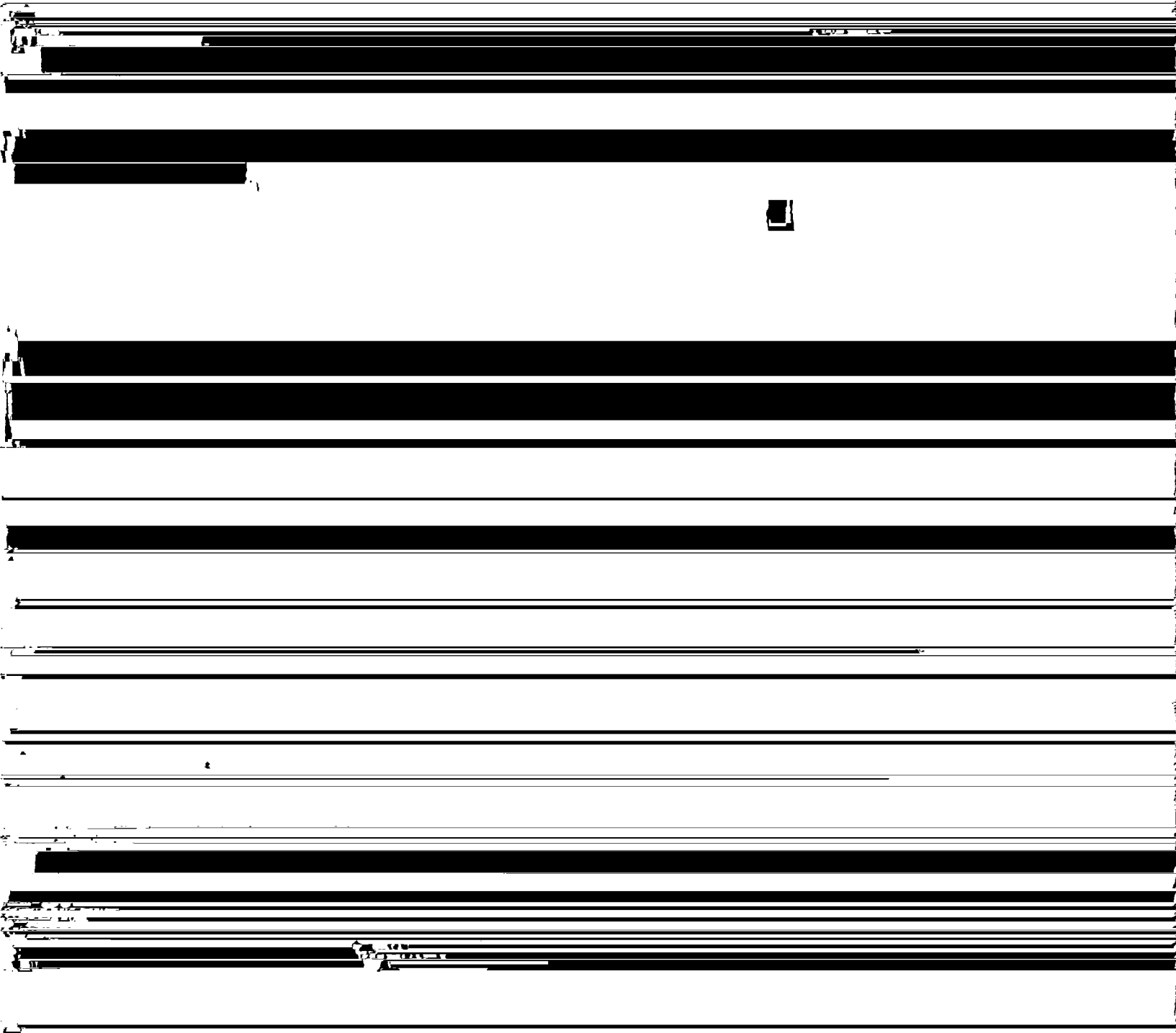
ANSWER: Despite reasonable inferences that [REDACTED] [REDACTED] [REDACTED]

by Defendants in its efforts to make them to [REDACTED] [REDACTED] [REDACTED]

[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

admit that this Exhibit is presumptively a business record of one or both contracting parties.



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.

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

100. The document attached to this Request for Admissions as Exhibit CX-05063 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED] through [REDACTED]. The

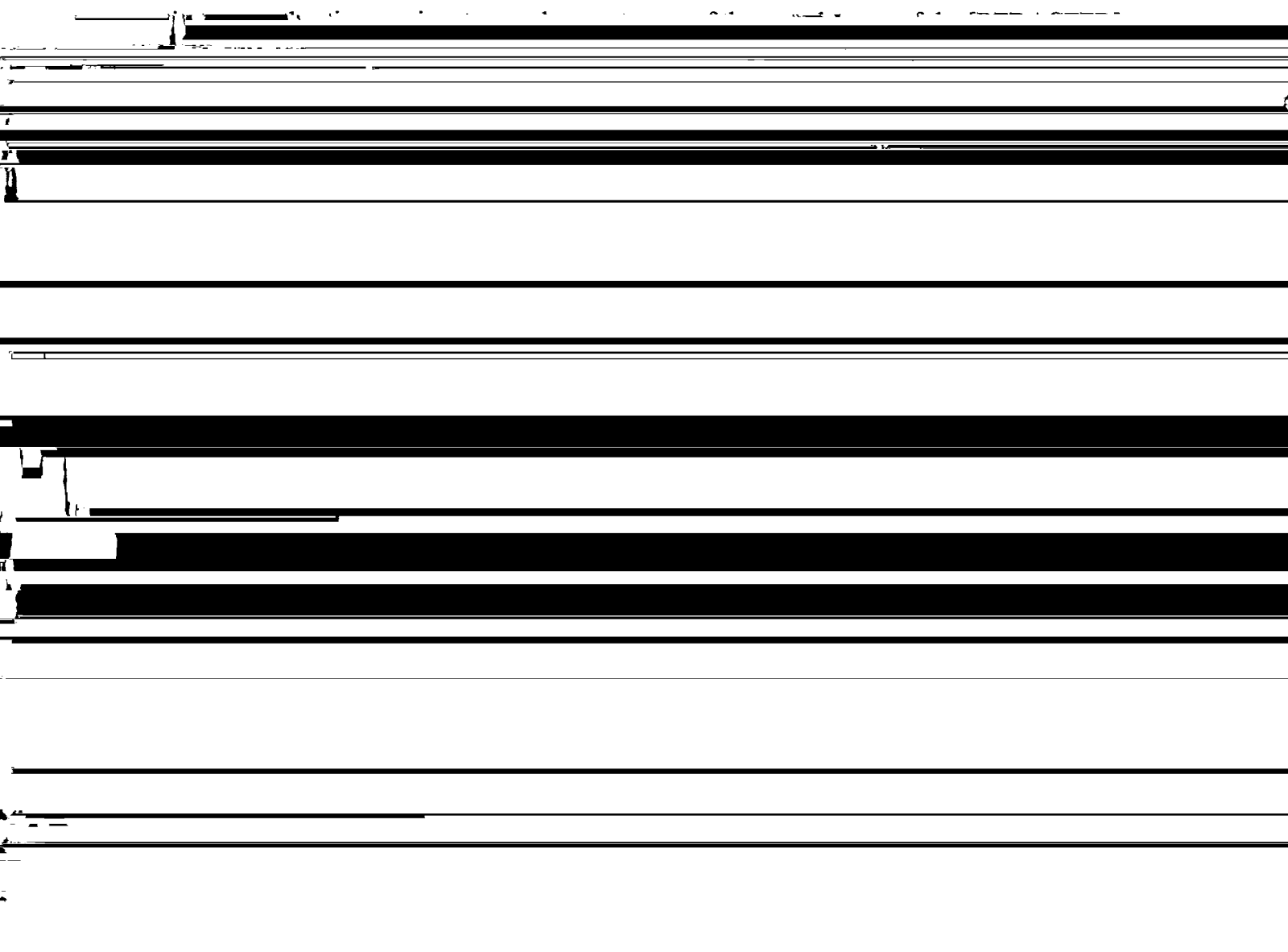
[REDACTED] contract is a business record of [REDACTED] and [REDACTED].

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 [REDACTED].

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



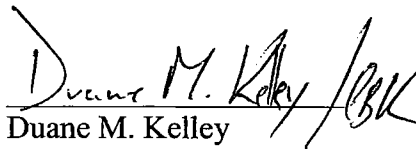
contracts, amendments, and notices of termination between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

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.

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 24 day of May 2004.

Respectfully Submitted,

Handwritten signature of Duane M. Kelley in black ink, with a stylized flourish at the end.

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Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2004, a copy of the foregoing Respondents' Answers and

Objections to Complaint Counsel's Second Request for Admissions Concerning Authenticity and Admissibility was served (unless otherwise indicated) by email and first class mail, postage prepaid, on:

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

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