

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

_____	)	
In the matter of	)	
	)	
<b>Evanston Northwestern Healthcare Corporation,</b>	)	
a corporation, and	)	Docket No. 9315
	)	<b>(PUBLIC RECORD VERSION)</b>
	)	
<b>ENH Medical Group, Inc.,</b>	)	
a corporation.	)	
_____	)	

**COMPLAINT COUNSEL’S SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS ISSUED TO RESPONDENTS**

Pursuant to the Federal Trade Commission’s Rules of Practice, 16 C.F.R. § 3.37, Complaint Counsel hereby request that Respondents produce all documents and other things responsive to the following requests, within its possession, custody, or control within twenty days of service of this request, in accordance with the Definitions and Instructions set forth below. Objections to this request for production of documents are due within ten days of service.

**SPECIFICATIONS**

In accordance with the definitions and instructions below, please submit:

1. A complete set of contracts between any Identified Payer and any Respondent.

**DEFINITIONS**

- A. The terms "and" and "or" have both conjunctive and disjunctive meanings.
- B. The term “contract” includes all contracts (including consents to assignment, amendments, other legally enforceable revisions) and cover letters to those contracts between any Identified Payer and any Respondent which were in effect on or after January 1, 1995 (including contracts that were executed before January 1, 1995).
- C. The term "documents" means all computer files and written, recorded, and graphic materials of every kind in the Company's possession, custody or control. The term "documents" includes electronic mail and drafts of documents, copies of documents that are not identical duplicates of the originals, and copies of documents the originals of which are not in the



2. [redacted]

3. [redacted]

4. [redacted]

5. [redacted]

6. [redacted]

7. [redacted]

8. [redacted]

9. [redacted]

10. [redacted]

11. [redacted]

12. [redacted]

13. [redacted]

14. [redacted]

15. [redacted]



the person(s) whose files are contained in that box. Documents shall be submitted in sturdy cartons not larger than 1.5 cubic feet, and packed in a

- (i) File structures. The FTC will accept sequential files only. All other file structures must be converted into sequential format.
- (ii) Record structures. The FTC will accept fixed length records only. All data in the record is to be provided as it would appear in printed format: *i.e.*, numbers unpacked, decimal points and signs printed.

(b) Magnetically-recorded information from microcomputers:.  
Microcomputer-based data: word-processing documents should be in DOS-text



(4) Shipping: Magnetic media should be carefully packed to avoid damage, and must be shipped clearly marked: **MAGNETIC MEDIA--DO NOT X-RAY.**

(5) Virus Checks: Media will be scanned for viruses. Infected media will be returned for replacement.

F. If any documents are withheld from production based on a claim of privilege, provide a statement of the claim of privilege and all facts relied upon in support thereof, in the form of a log that includes each document's authors, addressees, date, a description of each document, all recipients of the original and any copies, and the specification(s) of this request to which the document is responsive. If the log exists as a computer file(s), provide both the computer file(s) and a printed hard copy of the log. Attachments to a document should be identified as such and entered separately on the log. For each author, addressee, and recipient, state the person's full name, title, and employer or firm, and denote all attorneys with an asterisk. The description of the subject matter shall include the number of pages of each document and shall describe the nature of each document in a manner that, though not revealing information itself privileged, provides sufficiently detailed information to enable the Commission to assess the applicability of the privilege claimed. For each document withheld under a claim that it constitutes or contains attorney work product, also state whether the company asserts that the document was prepared in anticipation of litigation or for trial and, if so, identify the anticipated litigation or trial upon which the assertion is based. Submit all nonprivileged portions of any responsive document (including nonprivileged or redactable attachments) for which a claim of privilege is asserted (except where the only nonprivileged information has already been produced in response to this instruction), noting where redactions in the document have been made. Documents authored by outside lawyers representing the company that were not directly or indirectly furnished to the company or any third-party, such as internal law firm memoranda, may be omitted from the log.

G. If documents responsive to a particular specification no longer exist for reasons other than the ordinary course of business or the implementation of the company's document retention policy as disclosed or described in response to this request or the company's response to the Subpoena Duces Tecum issued in FTC File No. 011-0234, dated June 25, 2002, but the company has reason to believe have been in existence, state the circumstances under which they were lost or destroyed, describe the documents to the fullest extent possible, state the specification(s) to which they are responsive, and identify persons having knowledge of the content of such documents.

H. If the company believes the scope of this request for production of documents can be narrowed consistent with the Commission's need for information, you are encouraged to discuss such possible modifications with Nancy Park at (202) 326-3612, or Philip Eisenstat at (202) 326-2769.

I. In complying with the specifications, the Respondents should submit the responsive materials by the request return date to the attention of Nancy Park, Federal Trade Commission, 601 New Jersey Ave., N.W., Washington, DC 20001.

Dated: \_\_\_\_\_

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Thomas H. Brock  
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Federal Trade Commission  
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