

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

FEDERAL TRADE COMMISSION

04 JUL 23 PM 4: 55

DOCUMENT PROCESSING

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

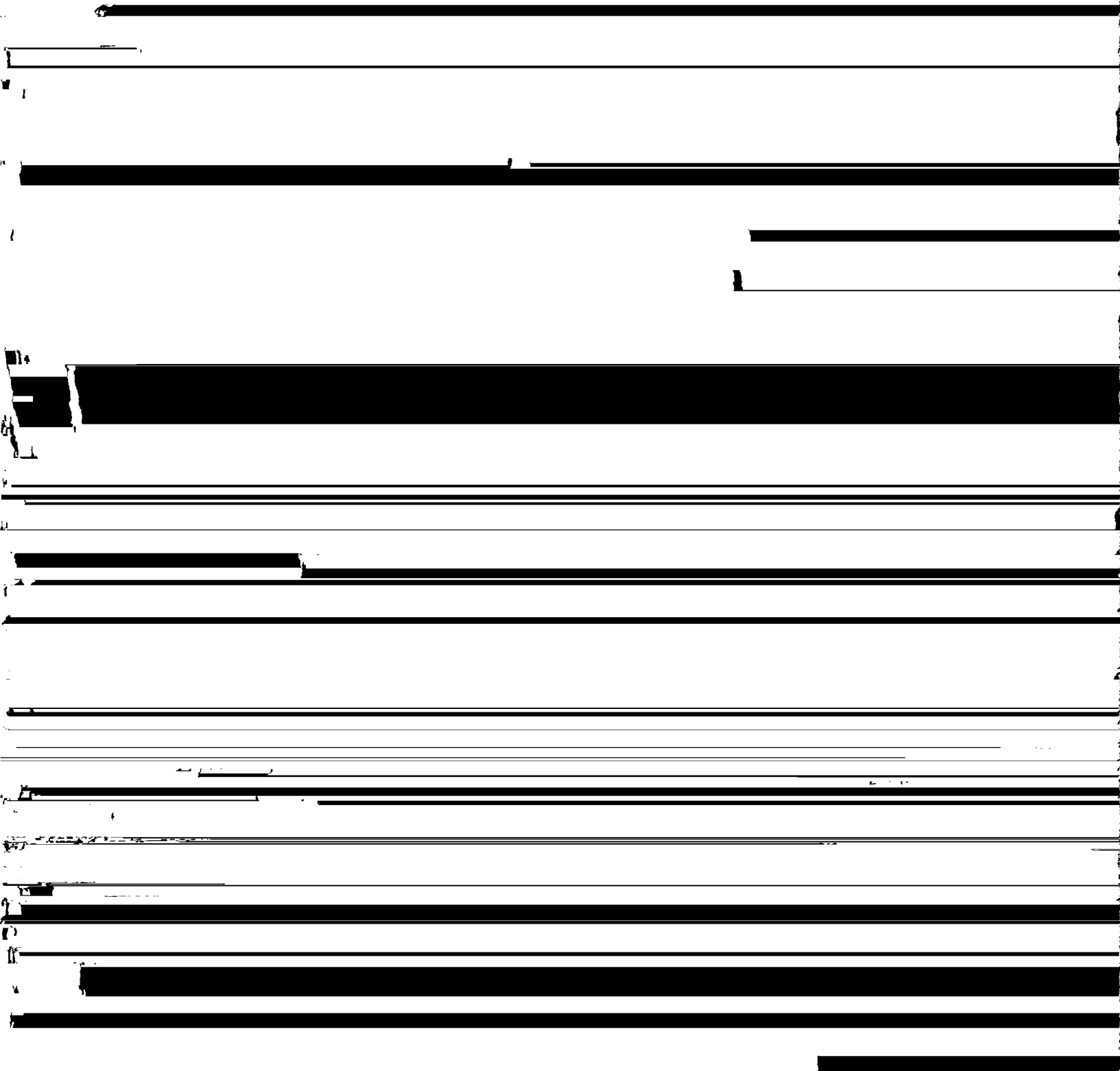
Pursuant to the Federal Trade Commission's Rules of Practice ("Rules"), 16 C.F.R. § 3.35, and the Scheduling Order entered in this action, Respondents Evanston Northwestern Healthcare Corporation ("ENH") and ENH Medical Group, Inc. ("ENH Medical Group") hereby request that Complaint Counsel answer the following interrogatories within 20 days of service of this request, in accordance with the Definitions and Instructions set forth below.

DEFINITIONS

A. The term "agent" shall mean: any agent, employee, officer, director, attorney

person subject to the subpoena). 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 your possession, custody or control.

G. The term "ENH" means Evanston Northwestern Healthcare Corporation (including Evanston Hospital, Glenbrook Hospital, and Highland Park Hospital), its parents, ~~and its divisions, subsidiaries, affiliates, partnerships and joint ventures, and all directors~~



K. The term "Investigation" means the pre-Complaint investigation of this matter, FTC File No. 0110234.

L. The term "merger" means the merger of ENH and Highland Park in January 2000.

N. The terms "person" or "persons" mean natural persons, groups of natural persons

acting as individuals, groups of natural persons acting in a collegial capacity (e.g., as a committee, board, panel, etc.), associations, representative bodies, government bodies, agencies, or any other incorporated or unincorporated business, social or government entity.

O. The terms "you" and "your" mean Complaint Counsel

H. The singular includes the plural, and vice versa.

I. Each interrogatory is to be accorded a separate response, and answers are not to be combined for the purpose of supplying a common answer to multiple interrogatories.

J. Unless otherwise indicated, the relevant time period for purposes of these interrogatories is the time period between January 1, 1995, and the date of hearing in this case.

INTERROGATORIES

1. Identify each and every fact (including, but not limited to, all documents) upon which you base your allegation in paragraph 1 of the Complaint that: "The price increases that resulted from the merger are large and far beyond those achieved by comparable hospitals during this time period." Your answer should include a detailed description of the prices that allegedly increased, separately by payer, the amount of such increase, the "comparable hospitals" at issue

and the precise "time period" referenced in the allegation.

2. Identify each and every fact (including, but not limited to, all documents) upon which you base your allegation in paragraph 3 of the Complaint that: "After merging the hospitals and the physician groups, ENH conducted negotiations with private payers, by which it

resulted in a post-merger HHI increase in excess of 500 points to a level exceeding 3000 points.” Your answer should explain in detail how this alleged HHI increase was calculated, including, the specific hospitals in the “relevant market” and the methodology used to calculate their market

hospitals,” the identities of these “other comparable hospitals” and the referenced “[p]rivate payers.”

11. Identify each and every fact (including, but not limited to, all documents) upon which you base your allegation in paragraph 30 of the Complaint that: “ENH also required many private payers to agree to pay prices set at a discount off of ENH’s list prices in lieu of predetermined per diem prices for each day of inpatient care, a feature of many of the hospitals’ pre-merger contracts with their major payers.” Your answer should identify the referenced “private payers,” and “major payers.”

12. Identify each and every fact (including, but not limited to, all documents) upon which you base your allegation in paragraph 30 of the Complaint that: “ENH raised its list prices

several times following the merger.” Your answer should identify each and every such increase in list price, if any, that Complaint Counsel alleges supports its allegations that the merger substantially lessened competition in a line of commerce in a section of the country in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18.

13. Identify each and every fact (including, but not limited to, all documents) upon which

Your answer should define "meaningful efficiency-enhancing interaction." 66

2011

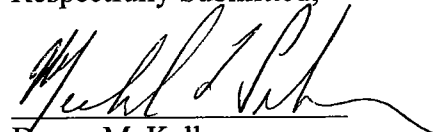
performance standards" and "clinical protocols."

26. Identify each and every fact (including, but not limited to, all documents) upon which

you rely to support your position for the following issues: (a) the company's financial

[The following area contains multiple horizontal lines, likely representing a table or form with redacted content. The redactions are indicated by thick black bars.]

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

I hereby certify that on July 22, 2004, a copy of the foregoing Respondents' First Set of Interrogatories was served by email and first class mail, postage prepaid, on:

The Honorable Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave. NW (H-106)

Washington, DC 20580
(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

Philip M. Eisenstat, Esq.

Room NJ-5235
Washington, DC 20580
peisenstat@ftc.gov

Chul Pak, Esq.
Assistant Director Mergers IV
Federal Trade Commission
601 New Jersey Avenue, N.W.