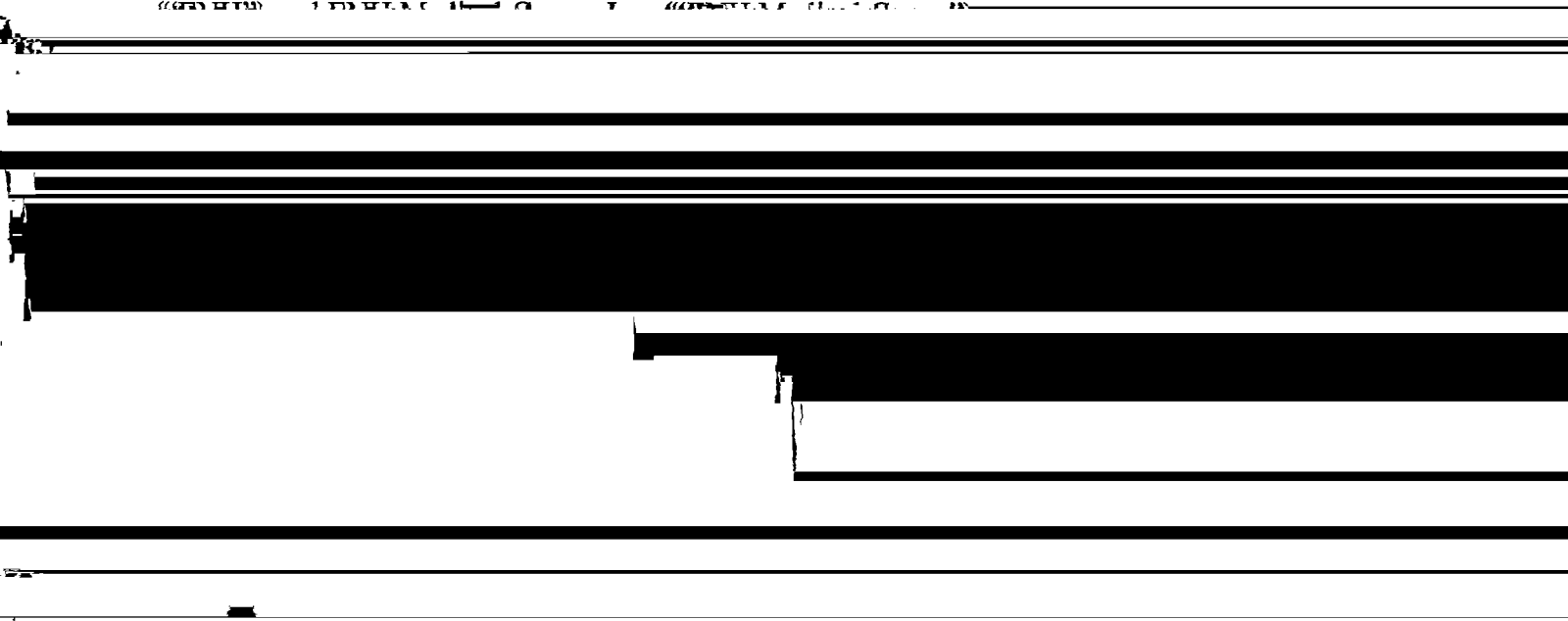


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

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

**RESPONDENTS' ANSWERS AND OBJECTIONS TO
COMPLAINT COUNSEL'S SIXTH 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 Sixth Request for Admissions to Respondents Evanston Northwestern Healthcare Corporation



General Objections

The following general objections ("General Objections") apply to all of Complaint Counsel's Sixth Requests for Admissions ("Requests") and are incorporated by reference into

the reports may need to be modified and/or supplemented because discovery is ongoing, several third parties have yet to respond fully, or at all, to outstanding subpoenas and witnesses with potentially pertinent testimony to the Requests have yet to be deposed.

~~2. Respondents object to the Requests to the extent that they are~~

greater than, beyond the requirements of, and/or at variance to the Rules. In particular, Complaint Counsel already has exceeded its limit of 50 requests for admissions. Although there is no limit on the number of requests for admission as to the authentication of documents more

than 50 of Complaint Counsel's prior Requests do not fall into this category. Complaint Counsel nonetheless repeatedly asks Respondents in these Requests to admit that certain documents constitute a "complete set" of contracts with particular third party payors, thus requesting Respondents to admit that the contracts at issue were not amended or superceded. These

6. Respondents object to the Requests to the extent that they seek legal conclusions.

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 of discovery and pertinent documents have not yet been produced by third parties. Accordingly, all Requests should be deemed denied to the extent that they seek an admission that a particular document is admissible into evidence. Notwithstanding this general objection and denial

Notwithstanding this general objection, Respondents ultimately may agree to the authenticity of

some or all of the referenced documents as part of the proposed stipulations required under the Scheduling Order entered in this litigation.

8. Respondents state that the documents referenced in each Request are subject to the Protective Order entered in this litigation.

Answers and Specific Objections to Requests for Admissions

[REDACTED]

Highland Park Hospital

[REDACTED]

1592. The document attached to this Request for Admissions as Exhibit CX-05104 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, entered into on [REDACTED]. The [REDACTED] contract is a business

[REDACTED]

1594. The document attached to this Request for Admissions as Exhibit CX-051405 is authentic, genuine, and a true and correct copy of a contract 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: Subject to and notwithstanding the general objections, Respondent's refer Complaint Counsel to the contract index attached hereto as Exhibit A.

1595. The document attached to this Request for Admissions as Exhibit CX-05106 is ~~authentic, genuine, and a true and correct copy of an amendment extending the contract term to~~

[REDACTED], to CX-05105. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Subject to and notwithstanding the general objections, Respondent's refer
Complaint Counsel to the contract index attached hereto as Exhibit A.

1598. The document attached to this Request for Admissions as Exhibit CX-05109 is

~~redacted~~ [REDACTED]

CX-05105. The [REDACTED] amendment is a business record of one or both parties to the

[REDACTED] and Highland Park from [REDACTED]. This set of exhibits is admissible into evidence in this matter

ANSWER: Subject to and notwithstanding the general objections, Respondent's refer Complaint Counsel to the contract index attached hereto as Exhibit A.

1602. The document attached to this Request for Admissions as Exhibit CX-05112 is authentic, genuine, and a true and correct copy of a consent to assignment (plus a cover letter and other related documents), 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: Subject to and notwithstanding the general objections, Respondent's refer Complaint Counsel to the contract index attached hereto as Exhibit A.

1603. Exhibit CX-05112 constitutes an authentic, genuine, true and correct copy of the complete set of the consents to assignment (plus a cover letter and other related documents)

1608. The document attached to this Request for Admissions as Exhibit CX-05117 is authentic, genuine, and a true and correct copy of an amendment (plus a cover note and cover

~~INDEX 1 - REDACTED - CX-05117. The amendment is a business record of one of~~

both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Subject to and notwithstanding the general objections, Respondent's refer Complaint Counsel to the contract index attached hereto as Exhibit A.

1609. Exhibits CX-05113 through CX-05117 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus a cover note and four cover letters) between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Subject to and notwithstanding the general objections, Respondent's refer Complaint Counsel to the contract index attached hereto as Exhibit A.

1610. The document attached to this Request for Admissions as Exhibit CX-05118 is

ANSWER: Subject to and notwithstanding the general objections, Respondent's refer
Complaint Counsel to the contract index attached hereto as Exhibit A.

[REDACTED]

1612 The document attached to this Request for Admissions as Exhibit OX-05110 is

authentic, genuine, and a true and correct copy of a [REDACTED] amendment (plus two
letters), signed [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: Subject to and notwithstanding the general objections, Respondent's refer

1615. The document attached to this Request for Admissions as Exhibit CX-05122 is authentic, genuine, and a true and correct copy of any 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.

[REDACTED]

Complaint Counsel to the contract index attached hereto as Exhibit A.

[REDACTED]

Highland Park

1619. The document attached to this Request for Admissions as Exhibit CX-05123 is authentic, genuine, and a true and correct copy of a contract (plus a rate quote sheet) between

ANSWER: Subject to and notwithstanding the general objections, Respondent's refer Complaint Counsel to the contract index attached hereto as Exhibit B.

1622. Exhibit CX-05124 constitutes an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus a cover sheet) between [REDACTED] and Highland Park from [REDACTED]. This set of an exhibit is admissible into evidence in this matter.

~~**ANSWER:** Subject to and notwithstanding the general objections, Respondent's refer~~

Complaint Counsel to the contract index attached hereto as Exhibit B.

Evanston Northwestern Healthcare

1623. The document attached to this Request for Admissions as Exhibit CX-05125 is authentic, genuine, and a true and correct copy of a contract (plus a cover sheet) between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is

ANSWER: Subject to and notwithstanding the general objections, Respondent's refer
Complaint Counsel to the contract index attached hereto as Exhibit B.

correct copy of the complete set of the [REDACTED] contracts and amendments (plus a cover
sheet) between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED]

[REDACTED] and Evanston Northwestern Healthcare [REDACTED], 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: Subject to and notwithstanding the general objections, Defendant's refer

Complaint Counsel to the contract is now attached hereto as Exhibit D

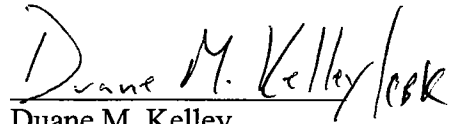
VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 26 day of July, 2004.

A handwritten signature in black ink, consisting of several loops and a long vertical stroke, positioned above a horizontal line.

[The remainder of the page contains multiple horizontal lines, some of which are obscured by thick black redaction bars.]

Respectfully Submitted,



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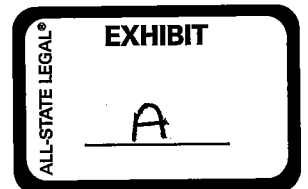
Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2004, a copy of the foregoing Respondents' Answers and Objections to Complaint Counsel's Sixth Request for Admissions Concerning Authenticity and Admissibility was served (unless otherwise indicated) by email and first class mail, postage

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

REDACTED



REDACTED

