

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

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. 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particular third party payors, thus requesting Respondents to admit that the contracts at issue were not amended or superceded.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 Requests for substantive admissions beyond the applicable limit are not authorized by the Rules or the scheduling orders entered in this case. Respondents' answers below are thus limited to

6. 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 legal conclusions 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 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

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

9. Respondents state that the documents referenced in each Request are subject to

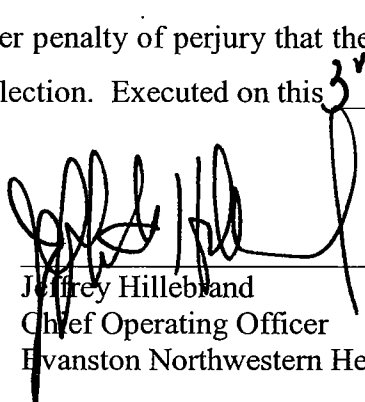
Evanston Northwestern Healthcare

1764 The document attached to this Request for Admissions or Exhibit CY 05016 is _____

authentic, genuine, and a true and correct copy of a contract (plus a cover letter) between _____

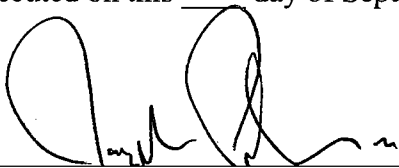
VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 3rd day of September, 2004.



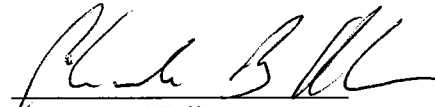
Jeffrey Hillebrand
Chief Operating Officer
Evanston Northwestern Healthcare Corporation

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 3rd day of September, 2004.



ENH Medical Group, Inc.

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

Fax: (202) 371-5950
Email: msibarium@winston.com

Email: cklein@winston.com

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2004 a copy of the foregoing Respondents'

Answers and Objections to Complaint Counsel's Ninth Request for Admissions Concerning Authenticity and Admissibility was served (unless otherwise indicated) 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

(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

Philip M. Eisenstat, Esq.
Federal Trade Commission
601 New Jersey Avenue, N.W.
Room NJ-5235
Washington, DC 20580

peisenstat@ftc.gov

REDACTED

