

ORIGINAL

FEDERAL TRADE COMMISSION
RECEIVED DOCUMENTS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

detailing certain trial exhibits previously granted *in camera* treatment but determined by
ENH during trial not to warrant such treatment.

Dated: May 20 2005

Respectfully Submitted

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
1700 K Street, NW
Washington, DC 20006
(202) 282-5777
Fax: (202) 282-5100
Email: m.sibarium@winston.com

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2005, a public copy of the foregoing

Respondents' Second Supplemental Motion for In Camera Treatment of Certain Exhibits 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)

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

Chul Pak, Esq.
Assistant Director Mergers IV
Federal Trade Commission

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

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

**MEMORANDUM IN SUPPORT OF RESPONDENT'S
SECOND SUPPLEMENTAL MOTION FOR
IN CAMERA TREATMENT OF CERTAIN EXHIBITS**

Pursuant to Rule 3.45(b) of the Federal Trade Commission Rules of Practice, 16 C.F.R. § 3.45(b), Respondent Evanston Northwestern Healthcare, Inc. (“ENH”) submits this supplemental memorandum in support of its second supplemental motion for an order directing *in camera* treatment of certain documents containing highly confidential information produced in this proceeding. This memorandum incorporates by reference ENH’s original Memorandum of Law in Support of its Motion For *In Camera* Treatment of Certain Exhibits (“Memorandum of Law”) filed on January 4, 2005, and ENH’s Supplemental Memorandum filed on February 3, 2005.

INTRODUCTION

On February 9, 2005, the Court issued an Order granting ENH’s motion for *in camera* treatment of certain exhibits that were described in Revised Supplemental Exhibits A and B. The Order noted that a review of the declarations “in support of the motion and the

documents reveals that the information sought to be protected meets the standards for *in*

During trial, Respondent and Complaint Counsel moved to admit trial exhibits that were not part of the "A" Trial Exhibit Lists admitted into evidence. The documents at issue were exhibits selected from trial exhibit lists commonly referred to as the "D" lists

ENH determined at trial that the documents described in Exhibit D do not meet this standard. Accordingly, those documents should not be afforded *in camera* treatment.

I. Information Categories Needing *In Camera* Protection Have Not Changed

The new exhibits for which ENH is seeking *in camera* treatment fit into the

7-51-2005 court ordered that ENH had established that Professor

Lyethan Baker's expert report PV 1000 should receive its own treatment Professor

Baker's report, [REDACTED]

Three exhibits in Exhibit C that fall into the "prices and rate negotiations"

considerations demand that employee performance and peer review information receive the protection of *in camera* treatment.

[REDACTED] Respondent moves the court to modify its February 9, 2005, order to enlarge the ten year *in camera* sealing period for RX 1771 and CX 2312 to permanently seal these two exhibits.

[REDACTED]

11

CONCLUSION

For the foregoing reasons, ENH requests that the Court grant *in camera*

~~review of the exhibit list and Exhibit C and that the Court modify its February 9, 2005~~

			order)
RX-2021		All	3 years

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2005, public copies of the foregoing Memorandum in Support of Respondent's Second Supplemental Motion for *In Camera* Treatment of Certain Exhibits and a proposed order were served (unless otherwise indicated) by email and first class mail, postage prepaid, on:

The Honorable Stephen J. McGuire

600 Pennsylvania Ave. NW (H-106)
Washington, DC 20580
(two courtesy copies delivered by messenger only)

Thomas H. Brock, Esq.

600 Pennsylvania, Ave. NW (H-374)
Washington, DC 20580
tbrock@ftc.gov

Exhibit N

RX0679
(CX0160)

RX0684
(CX0007)

RX0696
(CX0011)

RX0705

RX0785
(CX0006)

RX0889

RX0925

Exhi

RX1

RX1
(CX)

DC:411