



Respondents' new Exhibit H highlights why Respondents' brief should be stricken.

Exhibit H apparently constitutes a March, 2007 press release that touts purported plans to build a new hospital in Lindenhurst, Illinois, six miles from the Wisconsin border. Respondents label this "New Market Entry" and suggest that this exhibit "demonstrates the absence of anticompetitive effects" of the merger of Evanston and Highland Park. Response at 3.

Respondents' presentation, however, would not survive the tripartite test that is applied

demonstrates that the hospital will serve at the site that is not 2016...

be admitted to prove the truth of the matters asserted by the third parties.<sup>3</sup> Yet now, Respondents have submitted materials to the Commission that are all hearsay – and in many instances double hearsay<sup>4</sup> – and that are inadmissible under the Federal Rules of Evidence.

Second, based on this motion, the Commission will be advised of the following:

[REDACTED]

Respectfully submitted,

Dated: June 25, 2007



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UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

|                                    |                 |
|------------------------------------|-----------------|
| _____ )                            |                 |
| In the matter of )                 |                 |
| )                                  |                 |
| Evanston Northwestern Healthcare ) | <b>PUBLIC</b>   |
| Corporation, )                     |                 |
| )                                  | Docket No. 9315 |
| and )                              |                 |
| )                                  |                 |
| ENH Medical Group, Inc. )          |                 |
| _____ )                            |                 |

**ORDER**

Upon motion of Complaint Counsel, and after consideration of the memoranda in support and in opposition thereto, it is hereby

ORDERED, that \_\_\_\_\_



