

BEFORE THE FEDERAL TRADE COMMISSION

SECRETARY

COMMISSIONERS: Deborah Platt Majoras, Chairman

Jon Leibowitz  
William E. Kovacic  
J. Thomas Rosch

In the matter of )  
)

Respondents' Response was proper rebuttal to Complaint Counsel's attempted addition to the factual record, and Complaint Counsel's Motion to Strike should therefore be summarily denied.

1. There can be no doubt that Complaint Counsel's Notice was designed to address a factual issue, not simply present new legal authority. Complaint Counsel's



Notice is thus not a fulfillment of its "obligation" to advise the Commission of new legal

authority, but rather an attempt to augment trial tactics, and that case dismissed with prejudice.

(b)

(c)

(d)

Complaint Concerns is also covered in the same jurisdiction 4-1 D 1-1-1 D

Complaint Counsel also cannot dispute the accuracy or reliability of the new market information presented in Respondents' Response.<sup>2</sup> For example, the 8-story, 192-bed, \$200 million tower currently under construction at Advocate Lutheran General (10.2

Park Hospital and is not, as Complaint Counsel suggests, a "pipe-dream." *See* Respondents' Response at 2; Motion to Strike at 2.

June 27, 2007

Respectfully submitted,

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UNITED STATES OF AMERICA

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served by delivering  
copies to:

Office of the Secretary  
Federal Trade Commission

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