

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 FIRST 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 First Request for Admissions to Respondents Evanston Northwestern Healthcare Corporation ("ENH") and ENH Medical Group, Inc. ("ENH Medical Group").

**General Objections**

The following general objections ("General Objections") apply to all of Complaint Counsel's first requests for admissions ("Requests") and are incorporated by reference into each answer made herein. The assertion of the same, similar, or additional objections or the provision of partial answers in the individual responses to these Requests does not waive any of Respondents' General Objections as set forth below:

1. Respondents object to the Requests to the extent that they seek information that is protected from disclosure by the attorney-client privilege, the work product doctrine or any other recognized privilege.

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.

3. Respondents object to the Requests to the extent that they seek information that may be less onerously obtained through other discovery devices.

4. Respondents object to the Requests to the extent that they are vague and ambiguous in that they fail to adequately define the terms used in the Requests.

5. 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 admissions 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 document is admissible into evidence. Notwithstanding this general objection and denial, Respondents ultimately may agree before trial not to object to the admissibility of certain documents generated by Respondents that came from their own files, as well as certain other documents, as part of the proposed stipulations required under the Scheduling Order entered in this litigation.

6. Respondents object to the Requests to the extent that they seek admissions as to the authenticity of documents because discovery is ongoing and documents not yet reviewed as well as witnesses not yet interviewed or deposed may provide a basis to challenge the authenticity of one or more referenced documents. Accordingly, the information presently

known to or readily obtainable by Respondents is insufficient to enable Respondents to admit or deny the authenticity of documents. Respondents thus reserve the right to challenge the authenticity of any document referenced in these Requests based on facts learned during discovery. Respondents, however, acknowledge that, under Rule 3.43(b)(2), documents produced by them from their own files are presumptively authentic and kept in the regular course of business. 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.

7. 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**

Subject to and without waiving the General Objections, or any other objections or claims of privilege, Respondents hereby answer and objects to Complaint Counsel's Requests as follows.

**[REDACTED]**

**Highland Park Hospital**

1. The document attached to this Request for Admissions as Exhibit CX-05000 is authentic, genuine, and a true and correct copy of a contract between Highland Park and [REDACTED], effective [REDACTED]. The contract, with its Attachment A and [REDACTED] Agreement, is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05000 is presumptively authentic, genuine, and a true and correct copy of a contract between Highland Park and [REDACTED], effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business

record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

2. The document attached to this Request for Admissions as Exhibit CX-05001 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), with its attachments A, A-1, and A-2, effective [REDACTED], to CX-05000. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05001 is presumptively authentic, genuine, and a true and correct copy of the original amendment, effective [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to the [REDACTED] contract. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

3. The document attached to this Request for Admissions as Exhibit CX-05002 is authentic, genuine, and a true and correct copy of an amendment (plus a more legible copy of its text), dated [REDACTED], to CX-05000. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05002 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05000. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of

the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

4. Exhibits CX-05000 through CX-05002 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus a cover letter and a more legible copy of the text of one amendment) between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

**Evanston Northwestern Healthcare**

5. The document attached to this Request for Admissions as Exhibit CX-05003 is authentic, genuine, and a true and correct copy of a contract (plus a cover letter) between Evanston Hospital Corporation and [REDACTED], effective [REDACTED]. The contract, with its Attachment A and the [REDACTED] Agreement, is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05003 appears to be authentic, genuine, and a true and correct copy of a contract between Evanston Hospital Corporation and [REDACTED], effective [REDACTED]. Respondents further admit that this Exhibit appears to be a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

6. The document attached to this Request for Admissions as Exhibit CX-05004 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05003. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05004 appears to be authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05003. Respondents further admit that this Exhibit appears to be a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

7. The document attached to this Request for Admissions as Exhibit CX-05005 is authentic, genuine, and a true and correct copy of an amendment, with its attachments A-1, A-2, and A-3, effective [REDACTED], to CX-05003. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05005 appears to be authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to an Evanston Hospital and [REDACTED] contract. Respondents further admit that this Exhibit appears to be a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge the authenticity of this document. This Exhibit, however, does not explicitly state that it is an amendment to CX-05003. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

8. The document attached to this Request for Admissions as Exhibit CX-05006 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), dated [REDACTED], to CX-05003. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05006 is presumptively authentic, genuine, and a true and correct copy of an amendment (plus a cover letter) dated [REDACTED], to an Evanston Hospital and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however,

does not explicitly state that it is an amendment to CX-05003. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

9. The document attached to this Request for Admissions as Exhibit CX-05007 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), with its attachments A-1, A-2, and A-3, effective [REDACTED], to CX-05003. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05007 is presumptively authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), with its attachments A-1, A-2, and A-3, effective [REDACTED], to an Evanston Hospital and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05003. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

10. Exhibits CX-05003 through CX-05007 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus three cover letters) between [REDACTED] and Evanston Hospital Corporation from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

11. The document attached to this Request for Admissions as Exhibit CX-05008 is authentic, genuine, and a true and correct copy of an amendment, with its compensation schedule, effective [REDACTED], to CX-05003. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05008 is presumptively authentic, genuine, and a true and correct copy of an amendment, with its compensation schedule, effective [REDACTED], to an Evanston Hospital and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05003. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

12. Exhibits CX-05003 through CX-05008 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

**[REDACTED]**

**Highland Park Hospital**

13. The document attached to this Request for Admissions as Exhibit CX-05009 is authentic, genuine, and a true and correct copy of a [REDACTED] amendment (plus a fax transmittal sheet), 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.



**ANSWER:** Respondents admit that Exhibit CX-05009 is presumptively authentic, genuine, and a true and correct copy of a [REDACTED] amendment (plus a fax transmittal sheet), effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

14. Exhibit CX-05009 constitutes an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus a fax transmittal sheet) between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of an exhibit is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

15. The document attached to this Request for Admissions as Exhibit CX-05010 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, signed in [REDACTED]. The contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05010 appears to be authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, signed in [REDACTED]. Respondents further admit that this Exhibit appears to be a business record of one or both contracting parties. This Exhibit concerning Highland Park, however, did not come from Respondents' files and, therefore, despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first two sentences of this Request. Respondents reserve their right to amend their answer to this Request.

16. The document attached to this Request for Admissions as Exhibit CX-05011 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to

CX-05010. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05011 is presumptively authentic, genuine, and a true and correct copy of an amendment to a [REDACTED] Agreement between [REDACTED] and Highland Park. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05010. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

17. Exhibits CX-05010 through CX-05011 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

#### **Evanston Northwestern Healthcare**

18. The document attached to this Request for Admissions as Exhibit CX-05012 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital Corporation, effective [REDACTED]. The contract, with its [REDACTED] and [REDACTED] attachments, is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05012 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital

Corporation, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

19. The document attached to this Request for Admissions as Exhibit CX-05013 is authentic, genuine, and a true and correct copy of an amendment, with its [REDACTED] and [REDACTED] attachments, effective [REDACTED], to CX-05012. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05013 is presumptively authentic, genuine, and a true and correct copy of an [REDACTED] Attachment (with [REDACTED]) to a contract with [REDACTED] and Evanston Hospital Corporation. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05012. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

20. Exhibits CX-05012 through CX-05013 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments between [REDACTED] and Evanston Hospital Corporation from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

21. The document attached to this Request for Admissions as Exhibit CX-05014 is authentic, genuine, and a true and correct copy of a consent to assignment [plus a cover letter, a

fax transmittal sheet, and the [REDACTED] amendment (Attachment A) and [REDACTED] amendment (Amendment to [REDACTED] Agreement) being assigned, and some related papers], 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:** Respondents admit that Exhibit CX-05014 is presumptively authentic, genuine, and a true and correct copy of a consent to assignment [plus a cover letter, a fax transmittal sheet, and the [REDACTED] amendment (Attachment A) and [REDACTED] amendment (Amendment to [REDACTED] Agreement) being assigned, and some related papers], effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the consent to assignment. Respondents have no basis at this point in the litigation to challenge these presumptions.

22. Exhibit CX-05014 constitutes an authentic, genuine, true and correct copy of the complete set of the [REDACTED] and [REDACTED] consents to assignment (plus a cover letter, a fax transmittal sheet, a [REDACTED] amendment, an [REDACTED] amendment, and some related papers) between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of an exhibit is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

23. The document attached to this Request for Admissions as Exhibit CX-05015 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. The contract, with its [REDACTED] attachments, is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05015 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

24. The document attached to this Request for Admissions as Exhibit CX-05016 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05015. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05016 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05015. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

25. Exhibits CX-05015 through CX-05016 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

26. Exhibit CX-05014 constitutes an authentic, genuine, true and correct copy of the complete set of the [REDACTED] consents to assignment (plus a cover letter, a fax transmittal sheet, a [REDACTED] amendment, an [REDACTED] amendment, and some related papers) between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of an exhibit is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

**[REDACTED]**

**Highland Park Hospital**

27. The document attached to this Request for Admissions as Exhibit CX-05017 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. The [REDACTED] contract, with its Attachment A, Attachment B [REDACTED], and Attachment C [REDACTED], is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05016 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

28. The document attached to this Request for Admissions as Exhibit CX-05018 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05017. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05016 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05017. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

29. The document attached to this Request for Admissions as Exhibit CX-05019 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to

CX-05017. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-050019 appears to be authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit appears to be a business record of one or both contracting parties. This Exhibit concerning Highland Park, however, did not come from Respondents' files. Nor does this Exhibit explicitly state that it is an amendment to CX-05017. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

30. Exhibits CX-05017 through CX-05019 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

#### **Evanston Northwestern Healthcare**

31. The document attached to this Request for Admissions as Exhibit CX-05020 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital Corporation, effective [REDACTED]. The [REDACTED] contract, with its Attachment A, Attachment B [REDACTED], and Attachment C [REDACTED], is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05020 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital

Corporation, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

32. The document attached to this Request for Admissions as Exhibit CX-05021 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05021 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

33. The document attached to this Request for Admissions as Exhibit CX-05022 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05022 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

34. The document attached to this Request for Admissions as Exhibit CX-05023 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05023 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020.



Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

35. The document attached to this Request for Admissions as Exhibit CX-05024 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05024 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

36. The document attached to this Request for Admissions as Exhibit CX-05025 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05025 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

37. The document attached to this Request for Admissions as Exhibit CX-05026 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05026 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020.

Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

38. The document attached to this Request for Admissions as Exhibit CX-05027 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05027 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

39. The document attached to this Request for Admissions as Exhibit CX-05028 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

**ANSWER:** Respondents admit that Exhibit CX-05028 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

40. Exhibits CX-05020 through CX-05028 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request

given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

41. The document attached to this Request for Admissions as Exhibit CX-05029 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

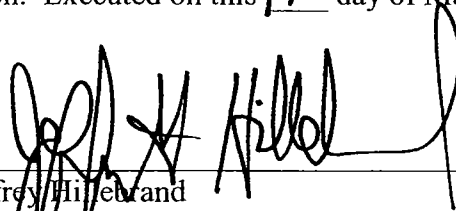
**ANSWER:** Respondents admit that Exhibit CX-05029 is presumptively authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05020. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

42. Exhibits CX-05020 through CX-05029 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

**ANSWER:** Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

**VERIFICATION**

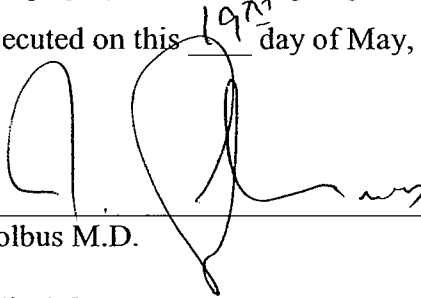
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 19<sup>th</sup> day of May, 2004.



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Jeffrey Hillbrand  
Chief Operating Officer  
Evanston Northwestern Healthcare Corporation

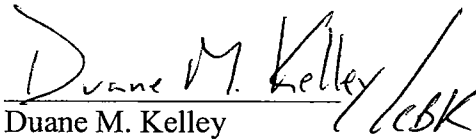
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 19<sup>th</sup> day of May, 2004.



---

Joseph Golbus M.D.  
President  
ENH Medical Group, Inc.

Respectfully Submitted,

Handwritten signature of Duane M. Kelley in black ink, with a large, stylized flourish extending to the right.

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*Attorneys for Respondents*

**CERTIFICATE OF SERVICE**

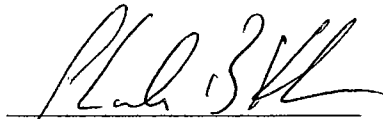
I hereby certify that on May 20, 2004, a copy of the foregoing Respondents' Answers and Objections to Complaint Counsel's First Request for Admissions Concerning Authenticity and Admissibility was served (unless otherwise indicated) by email and first class mail, postage prepaid, on:

The Honorable Stephen J. McGuire  
Chief Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave. NW (H-106)  
Washington, DC 20580  
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\_\_\_\_\_  
Charles B. Klein