

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the matter of)	
)	
Evanston Northwestern Healthcare Corporation,)	Docket No. 9315
a corporation)	Public Record Version
)	
)	
)	

**JOINT STIPULATION REGARDING THE PRE-TRIAL TESTIMONY OF
HOMER LIVINGSTON AND NEELE STEARNS**

Complaint Counsel and Counsel for Respondent Evanston Northwestern Healthcare Corporation (“ENH”) have reached an agreement as to which portions of the pre-trial transcripts, in this matter, of Homer Livingston and Neele Stearns should be moved into evidence. Pursuant to this agreement, the parties stipulate that the Livingston and Stearns redacted transcripts, attached hereto [NOTE: THE ATTACHMENTS WERE DELETED FOR THE PUBLIC RECORD VERSION] as Attachments 1 and 2, respectively, shall be moved into evidence as admissions testimony under 16 C.F.R. § 3.33(g)(1)(ii) subject to the following conditions:

1. Each party reserves the right to object to the admission into evidence of any other portion of the Livingston and Stearns transcripts from which the attachments came.
2. “Hearsay within hearsay” (*see* Fed. R. Evid. 805) in these redacted transcripts shall not be admitted for the truth of the matter asserted therein unless the parties shall have separately satisfied the evidentiary requirements for the admission of the hearsay within hearsay.

Respectfully submitted,

2/28/05
Date

Renée S. Henning

Thomas H. Brock, Esq.
Renée S. Henning, Esq.
Federal Trade Commission
600 Pennsylvania Ave., NW (H-374)
Washington, DC 20580
(202) 326-2813
Fax: (202) 326-2286
Email: TBrock@ftc.gov

2/28/05
Date

Complaint Counsel

Charles B. Klein
by R. S. H.

Michael L. Sibarium, Esq.
Charles B. Klein, Esq.
WINSTON & STRAWN, LLP
1400 L St., NW
Washington, DC 20005
(202) 371-5702
Fax: (202) 371-5950
Email: msibarium@winston.com
Email: cklein@winston.com

Duane M. Kelley, Esq.
WINSTON & STRAWN, LLP
35 West Wacker Dr.
Chicago, IL 60601-9703
(312) 338-5764
Fax: (312) 558-5700
dkelley@winston.com

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2005, a copy of the foregoing public record version of *Joint Stipulation Regarding the Pre-Trial Testimony of Homer Livingston and Neele Stearns* was served by email and first class mail, postage prepaid, on:

The Honorable Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW (H-106)
Washington, DC 20580
(two courtesy copies delivered by messenger only)

Thomas H. Brock, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, 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
601 New Jersey Avenue, N.W.
Washington, DC 20580
cpak@ftc.gov
(served by email only)

Charles B. Klein
by R.S.H.

Charles B. Klein