

**Concurring Opinion of Commissioner Jon Leibowitz  
In the Matter of Evanston Northwestern Healthcare Corp.  
Docket No. 9315**

I join the opinion of the Commission with respect to its findings of fact, its conclusion that the merger violated the Clayton Act as identified in Count One of the Complaint, and the remedy identified in that opinion. However, I believe that the weight of the evidence clearly supports a finding that the merger violated the Clayton Act in the manner identified in Count 2 of the Complaint as well. Consequently, I join in Section II of Commissioner Rosch's concurrence.