

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the matter of)
)
)

**Evanston Northwestern Healthcare
Corporation,**)
)

and)
)

ENH Medical Group, Inc.,)
Respondents.)
_____)

Docket No. 9315

**COMPLAINT COUNSEL'S MOTION FOR SCHEDULING OF
CERTAIN DEPOSITIONS BEYOND DISCOVERY DEADLINE**

Pursuant to the Federal Trade Commission's Rules of Practice ("FTC Rules"), 16 C.F.R. §§ 3.21(c)(2) and 3.22, Complaint Counsel moves for modification of the current Scheduling Order to allow for the scheduling of a non-party deposition of Dr. Jay Alexander on September 23, 2004. The current Scheduling Order sets a September 13, 2004 discovery cut-off date. Respondents raise no objection to this request.

Dr. Alexander was identified by the Respondents on their revised witness list dated August 13, 2004. After receiving the Respondents' revised witness list, Complaint Counsel immediately issued subpoenas *ad testificandum* dated August 20, 2004 to Dr. Alexander.

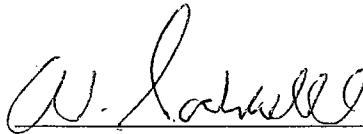
Although Complaint Counsel established dates for Dr. Alexander's deposition before the close of Discovery on September 3, 2004, Dr. Alexander and Dr. Alexander's attorney, George Lynch were unavailable for a deposition until after the close of Discovery. Dr. Alexander will be made available on September 23, 2004, ten days beyond the discovery cut-off date. To conduct

Dr. Alexander's deposition, Complaint Counsel and counsel for Dr. Alexander agreed to schedule the deposition for September 23, 2004.

An extension is necessary because Complaint Counsel's only other available option are to move for an order to preclude Respondents from calling Dr. Alexander as a witness, which Complaint Counsel would prefer not to do.

For the above reasons, Complaint Counsel respectfully request the Court for permission to schedule the deposition of Dr. Jay Alexander on September 23, 2004.

Respectfully submitted,



W. Stephen Sockwell
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 326-2950

September 3, 2004

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the matter of)	
)	
Evanston Northwestern Healthcare Corporation,)	
and)	Docket No. 9315
)	
ENH Medical Group, Inc.,)	
Respondents.)	
)	

ORDER

Upon consideration of Complaint Counsel's Motion for Scheduling of Certain Depositions Beyond Discovery Deadline, it is hereby

ORDERED, that the Motion is GRANTED; and it is further

ORDERED, that the deposition of Jay Alexander shall be conducted on or before September 23, 2004.

Entered this ____ day of September, 2004.

The Honorable Stephen J. McGuire
CHIEF ADMINISTRATIVE LAW JUDGE
Federal Trade Commission

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing documents were hand delivered to

The Honorable Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW (H-106)
Washington, D.C. 20580

and served on counsel for the Respondents by electronic and first class mail delivery to:

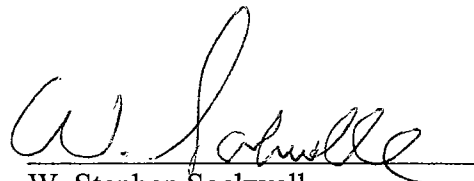
Michael L. Sibarium
WINSTON & STRAWN, LLP
1400 L St., NW
Washington, DC 20005

Duane M. Kelley
WINSTON & STRAWN, LLP
35 West Wacker Dr.
Chicago, IL 60601-9703

Charles B. Klein
WINSTON & STRAWN, LLP
1400 L St., NW
Washington, DC 20005

9-3-04

Date



W. Stephen Sockwell