

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the matter of)
)

EVANSTON NORTHWESTERN HEALTHCARE)
CORPORATION,)
)

and)
)

ENH MEDICAL GROUP, INC.,)
Respondents.)
)

Docket No. 9315

SECOND REVISED SCHEDULING ORDER

On June 10, 2004, Complaint Counsel filed a Motion for Reconsideration of First Revised Scheduling Order. Complaint Counsel indicates that Respondents have no objection to the request. The motion is **GRANTED**. The revised schedule follows:

- July 23, 2004 - Deadline for issuing document requests, requests for admission, interrogatories and subpoenas *duces tecum*, except for discovery for purposes of authenticity and admissibility of exhibits and discovery regarding new fact witnesses identified on the revised witness lists.
- August 6, 2004 - Complaint Counsel provides revised witness lists, including preliminary rebuttal fact witnesses, with description of proposed testimony (excluding experts).
- August 13, 2004 - Respondents' Counsel provides revised witness lists, including preliminary rebuttal fact witnesses, with description of proposed testimony (excluding experts).
- September 13, 2004 - Close of discovery, other than discovery permitted under Rule 3.24(a)(4), expert depositions, and discovery for purposes of authenticity and admissibility of exhibits.

- September 21, 2004 - Complaint Counsel provides expert witness reports.
- October 13, 2004 - Deadline for filing motions for summary decision.
- October 19, 2004 - Respondents' Counsel provides expert witness reports.
- November 2, 2004 - Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondents' expert reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert reports or seeking leave to submit sur-rebuttal expert reports on behalf of Respondents).
- November 3, 2004 - Complaint Counsel provides to Respondents' Counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition, copies of all exhibits (except for demonstrative, illustrative, or summary exhibits), and a brief summary of the testimony of each witness.

Complaint Counsel serves courtesy copies on ALJ of its final proposed witness and exhibit lists and a brief summary of the testimony of each witness.
- November 4, 2004 - Deadline for filing responses to motions for summary decision.
- November 10, 2004 - Respondents' Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition, copies of all exhibits (except for demonstrative, illustrative, or summary exhibits), and a brief summary of the testimony of each witness.

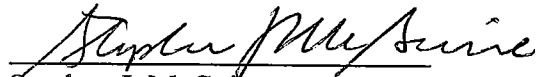
Respondents' Counsel serves courtesy copies on ALJ of its final proposed witness and exhibit lists and a brief summary of the testimony of each witness.
- November 15, 2004 - Parties that intend to offer into evidence at the hearing confidential materials of an opposing party or non-party must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).

- November 16, 2004 - Complaint Counsel to provide rebuttal expert report(s) to the extent that those reports address econometric analyses proffered by Respondents' experts. Any such reports are to be limited to rebuttal of matters set forth in Respondents' expert reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert reports or seeking leave to submit sur-rebuttal expert reports on behalf of Respondents).
- November 18, 2004 - Deadline for filing motions *in limine* and motions to strike.
- November 30, 2004 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- December 3, 2004 - Deadline for filing responses to motions *in limine* and motions to strike.
- December 10, 2004 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- December 13, 2004 - Exchange proposed stipulations of law, facts, and authenticity.
- December 17, 2004 - Parties file pretrial briefs.
- December 22, 2004 - File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be filed as agreed by the parties.
- January 11, 2005 - Final prehearing conference. The parties are to meet and confer prior to the conference regarding trial logistics; proposed stipulations of law, facts, and authenticity; and admissibility of any designated deposition testimony. Counsel may present any objections to the final proposed witness lists and exhibits, including the designated testimony to be presented by deposition. Trial exhibits will be admitted or excluded at this conference, to the extent practicable.
- January 13, 2005 - Commencement of Hearing, to begin at 9:30 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, N.W., Washington, D.C.

ADDITIONAL PROVISIONS

The "Additional Provisions" set forth in the Scheduling Order entered on January 30, 2004 remain unchanged except for paragraph 11 wherein the dates "from August 9, 2004, through September 17, 2004" are amended to read "from November 8, 2004, through December 22, 2004."

ORDERED:


Stephen J. McGuire
Chief Administrative Law Judge

Date: June 15, 2004