

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

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|--|---|--------------------------------|
| In the Matter of |) | |
| |) | |
| |) | Docket No. 9315 |
| |) | (Public Record Version) |
| Evanston Northwestern Healthcare Corporation, |) | |
| a corporation, and |) | |
| |) | |
| ENH Medical Group, Inc., |) | |
| a corporation. |) | |

**COMPLAINT COUNSEL’S FIRST REQUEST FOR ADMISSIONS
CONCERNING AUTHENTICITY AND ADMISSIBILITY**

Pursuant to the Federal Trade Commission (“FTC”) Rules of Practice for Adjudicative Proceedings § 3.32, complaint counsel submit these requests for admissions to respondents Evanston Northwestern Healthcare Corporation and ENH Medical Group, Inc.

Definitions

1. “Evanston Northwestern Healthcare” means Evanston Northwestern Healthcare Corporation, including its past or surviving parents, subsidiaries and affiliates (including Evanston Hospital Corporation, Evanston Hospital, Glenbrook Hospital, and, beginning on January 1, 2000, Highland Park Hospital), a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois, with its principal place of business located at 1301

Central Street, Evanston, Illinois 60201.

2. “Highland Park” means Highland Park Hospital, including its past or surviving parents, subsidiaries and affiliates, a hospital located near Evanston, Illinois.
3. “[REDACTED]” means [REDACTED], including its past or surviving parents, subsidiaries, and affiliates (including [REDACTED]; [REDACTED]; [REDACTED]; and [REDACTED]).
4. “[REDACTED]” means [REDACTED], including its past or surviving parents, subsidiaries, and affiliates (including [REDACTED] and [REDACTED]).
5. “[REDACTED]” means [REDACTED], including its past or surviving parents, subsidiaries, and affiliates (including [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; and [REDACTED]).
6. “Business Record” as defined according to Rule 803(6) of the Federal Rules of Evidence is “[a] memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, [where] it was the regular practice of that business activity to make the memorandum, report, record or data compilation...”

REQUESTS FOR ADMISSIONS

[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.
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.
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.
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.

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.
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.
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.
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.
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.

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.
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.
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.

[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.

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]. This set of an exhibit is admissible into evidence in this matter.
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.
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.
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]. This set of exhibits is admissible into evidence in this matter.

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 HMO and PPO attachments, is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

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.
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]. This set of exhibits is admissible into evidence in this matter.
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.
22. 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]. This set of an exhibit is admissible into evidence in this matter.
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.

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.

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.

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]. This set of an exhibit is admissible into evidence in this matter.

[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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Attachments

Thomas Brock
Phillip Eisenstat
Paul Nolan
Renée Henning
Nancy Park
Counsel Supporting the Complaint
Bureau of Competition
Federal Trade Commission
Washington, D.C. 20580
Telephone (202) 326-2813
Facsimile (202) 326-2884

Dated: _____, 2004

CERTIFICATE OF SERVICE

This is to certify that on _____, 2004, I caused a copy of the foregoing to be served upon counsel for the respondents by electronic mail and first class mail delivery:

Michael L. Sibarium, Esquire
WINSTON & STRAWN
1400 L Street, N.W.
Washington, D.C. 20005

Charles Klein, Esquire
WINSTON & STRAWN
1400 L Street, N.W.
Washington, D.C. 20005

Duane Kelley
WINSTON & STRAWN
35 West Wacker Drive
Chicago, IL 60601-9703

and delivery of two copies to:

The Honorable Stephen J. McGuire
Federal Trade Commission
600 Pennsylvania Avenue
Room 113
Washington, D.C. 20580

Thomas Brock