

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

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

**RESPONDENTS' ANSWERS AND OBJECTIONS TO
COMPLAINT COUNSEL'S SECOND REQUEST FOR ADMISSIONS
CONCERNING AUTHENTICITY AND ADMISSIBILITY**

Pursuant to the Federal Trade Commission's Rules of Practice ("Rules"), 16 C.F.R. § 3.32, Respondents hereby file their answers and objections to Complaint Counsel's Revised Second Request for Admissions to Respondents Evanston Northwestern Healthcare Corporation ("ENH") and ENH Medical Group, Inc. ("ENH Medical Group").

General Objections

The following general objections ("General Objections") apply to all of Complaint Counsel's second requests for admissions ("Requests") and are incorporated by reference into each answer made herein. The assertion of the same, similar, or additional objections or the provision of partial answers in the individual responses to these Requests does not waive any of Respondents' General Objections as set forth below:

1. Respondents object to the Requests to the extent that they seek information that is protected from disclosure by the attorney-client privilege, the work product doctrine or any other recognized privilege.

2. Respondents object to the Requests to the extent that they require responses greater than, beyond the requirements of, and/or at variance to the Rules.

3. Respondents object to the Requests to the extent that they seek information that may be less onerously obtained through other discovery devices.

4. Respondents object to the Requests to the extent that they are vague and ambiguous in that they fail to adequately define the terms used in the Requests.

5. Respondents object to the Requests to the extent that they seek legal conclusions. For example, Respondents object to the Requests to the extent that they seek admissions that particular documents actually are admissible into evidence because such determinations must be made by the Court, not the parties. Complaint Counsel is really asking Respondents to admit that they will not object to the admissibility of particular documents. Such a request is not authorized under Rule 3.32 and, in any event, is premature given that the parties are in the midst of discovery and pertinent documents have not yet been produced by third parties. Accordingly, all Requests should be deemed denied to the extent that they seek an admission that a particular document is admissible into evidence. Notwithstanding this general objection and denial, Respondents ultimately may agree before trial not to object to the admissibility of certain documents generated by Respondents that came from their own files, as well as certain other documents, as part of the proposed stipulations required under the Scheduling Order entered in this litigation.

6. Respondents object to the Requests to the extent that they seek admissions as to the authenticity of documents because discovery is ongoing and documents not yet reviewed as well as witnesses not yet interviewed or deposed may provide a basis to challenge the authenticity of one or more referenced documents. Accordingly, the information presently

known to or readily obtainable by Respondents is insufficient to enable Respondents to admit or deny the authenticity of documents. Respondents thus reserve the right to challenge the authenticity of any document referenced in these Requests based on facts learned during discovery. Respondents, however, acknowledge that, under Rule 3.43(b)(2), documents produced by them from their own files are presumptively authentic and kept in the regular course of business. Notwithstanding this general objection, Respondents ultimately may agree to the authenticity of some or all of the referenced documents as part of the proposed stipulations required under the Scheduling Order entered in this litigation.

7. Respondents state that the documents referenced in each Request are subject to the Protective Order entered in this litigation.

Answers and Specific Objections to Requests for Admissions

Subject to and without waiving the General Objections, or any other objections or claims of privilege, Respondents hereby answer and objects to Complaint Counsel's Requests as follows.

[REDACTED]

Highland Park Hospital

[REDACTED]

43. The document attached to this Request for Admissions as Exhibit CX-05030 is authentic, genuine, and a true and correct copy of a contract (plus a cover letter) between [REDACTED] and Highland Park, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05030 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park,

effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

44. Exhibit CX-05030 constitutes an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus a cover letter) between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of an exhibit is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

[REDACTED]

45. The document attached to this Request for Admissions as Exhibit CX-05031 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05031 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

46. The document attached to this Request for Admissions as Exhibit CX-05032 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), effective [REDACTED], to CX-05031. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05032 is presumptively authentic, genuine, and a true and correct copy of the original amendment, [REDACTED], to a Highland

Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to Exhibit CX-05031. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

47. The document attached to this Request for Admissions as Exhibit CX-05033 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05031. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05033 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05031. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

48. Exhibits CX-05031 through CX-05033 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus a cover letter) between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request

given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

[REDACTED]

49. The document attached to this Request for Admissions as Exhibit CX-05034 is authentic, genuine, and a true and correct copy of a contract (plus a cover letter) between [REDACTED] and Highland Park, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05034 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

50. The document attached to this Request for Admissions as Exhibit CX-05035 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), effective [REDACTED], to CX-05034. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05035 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05034. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

51. The document attached to this Request for Admissions as Exhibit CX-05036 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05034. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05036 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05034. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

52. The document attached to this Request for Admissions as Exhibit CX-05037 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05034. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05037 appears to be authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit appears to be a business record of one or both contracting parties. This Exhibit, however, does not explicitly state that it is an amendment to CX-05034. This Exhibit concerning Highland Park, however, did not come from Respondents' files and, therefore, despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first two sentences of this Request. Respondents reserve their right to amend their answer to this Request.

53. The document attached to this Request for Admissions as Exhibit CX-05038 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), effective [REDACTED], to CX-05034. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05038 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05034. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

54. The document attached to this Request for Admissions as Exhibit CX-05039 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), effective [REDACTED], to CX-05034. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05039 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05034. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

55. The document attached to this Request for Admissions as Exhibit CX-05040 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), effective [REDACTED], to CX-05034. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05040 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05034. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

56. The document attached to this Request for Admissions as Exhibit CX-05041 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05034. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05041 is presumptively authentic, genuine, and a true and correct copy of an amendment effective [REDACTED], to a Highland Park and [REDACTED] contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05034. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

57. Exhibits CX-05034 through CX-05041 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus five cover letters) between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

Evanston Northwestern Healthcare

[REDACTED]

58. The document attached to this Request for Admissions as Exhibit CX-05042 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05042 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge these presumptions.

59. The document attached to this Request for Admissions as Exhibit CX-05043 is authentic, genuine, and a true and correct copy of an amendment (plus two related letters), effective [REDACTED], to CX-05042. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05043 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a [REDACTED] and Evanston Hospital contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point

in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05042. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

60. The document attached to this Request for Admissions as Exhibit CX-05044 is authentic, genuine, and a true and correct copy of an amendment, signed in [REDACTED], to CX-05042. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05044 is presumptively authentic, genuine, and a true and correct copy of an amendment signed in [REDACTED], to a [REDACTED] and Evanston Hospital contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05042. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

61. Exhibits CX-05042 through CX-05044 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus two related letters) between [REDACTED] and Evanston Hospital from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

62. The document attached to this Request for Admissions as Exhibit CX-05045 is authentic, genuine, and a true and correct copy of an amendment (plus an attached note), dated [REDACTED], to CX-05042. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05045 is presumptively authentic, genuine, and a true and correct copy of an amendment dated [REDACTED], to a [REDACTED] and Evanston Hospital contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05042. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

63. The document attached to this Request for Admissions as Exhibit CX-05046 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05046 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

64. The document attached to this Request for Admissions as Exhibit CX-05047 is authentic, genuine, and a true and correct copy of two contracts or amendments (plus a cover letter and an attached envelope), effective [REDACTED]. (One contract or amendment is for Evanston Hospital, and one contract or amendment is for Glenbrook Hospital.) The

[REDACTED] contracts or amendments are business records of one or more parties to the contract or amendment. The contracts or amendments are admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05047 is presumptively authentic, genuine, and true and correct copies of two contracts between [REDACTED] and Evanston Hospital, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

65. Exhibits CX-05042 through CX-05047 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus three related letters, a note, and an envelope) between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

[REDACTED]

66. The document attached to this Request for Admissions as Exhibit CX-05048 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05048 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

67. The document attached to this Request for Admissions as Exhibit CX-05044 is authentic, genuine, and a true and correct copy of an amendment, signed in [REDACTED], to CX-05048. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05044 is presumptively authentic, genuine, and a true and correct copy of an amendment signed in [REDACTED], to a [REDACTED] and Evanston Hospital contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05048. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

68. The document attached to this Request for Admissions as Exhibit CX-05049 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05048. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05049 is presumptively authentic, genuine, and a true and correct copy of an amendment effective [REDACTED], to a [REDACTED] and ENH contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05048. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request.

69. Exhibits CX-05048 through CX-05049 and CX-05044 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.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

70. The document attached to this Request for Admissions as Exhibit CX-05050 is authentic, genuine, and a true and correct copy of an amendment, effective [REDACTED], to CX-05048. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05050 is presumptively authentic, genuine, and a true and correct copy of an amendment effective [REDACTED], to a [REDACTED] and ENH contract. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions. This Exhibit, however, does not explicitly state that it is an amendment to CX-05048. Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny this portion of the Request. This factual issue may be explored in discovery. Respondents reserve their right to amend their answer to this Request

71. Exhibits CX-05048 through CX-05050 and CX-05044 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.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request

given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

[REDACTED]

72. The document attached to this Request for Admissions as Exhibit CX-05051 is authentic, genuine, and a true and correct copy of a [REDACTED] amendment, 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.

ANSWER: Respondents admit that Exhibit CX-05051 appears to be authentic, genuine, and a true and correct copy of a [REDACTED] amendment, effective [REDACTED]. Respondents further admit that this Exhibit appears to be a business record of one or both contracting parties. This Exhibit concerning Evanston Hospital, however, did not come from Respondents' files and, therefore, despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first two sentences of this Request. Respondents reserve their right to amend their answer to this Request.

73. The document attached to this Request for Admissions as Exhibit CX-05052 is authentic, genuine, and a true and correct copy of two amendments (one for Evanston Hospital and one for Glenbrook Hospital), effective [REDACTED]. The amendments are business records of one or both parties to the amendment. The amendments are admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05052 is presumptively authentic, genuine, and a true and correct copy of two amendments between [REDACTED] and Evanston Hospital and Glenbrook Hospital, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

74. The document attached to this Request for Admissions as Exhibit CX-05053 is authentic, genuine, and a true and correct copy of two amendments (one for Evanston Hospital and one for Glenbrook Hospital), effective [REDACTED]. The amendments are business

records of one or both parties to the amendment. The amendments are admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05053 is presumptively authentic, genuine, and a true and correct copy of two amendments between [REDACTED] and Evanston Hospital and Glenbrook Hospital, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

75. The document attached to this Request for Admissions as Exhibit CX-05054 is authentic, genuine, and a true and correct copy of two amendments (one for Evanston Hospital and one for Glenbrook Hospital), effective [REDACTED]. The amendments are business records of one or both parties to the amendment. The amendments are admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05054 is presumptively authentic, genuine, and a true and correct copy of two amendments between [REDACTED] and Evanston Hospital and Glenbrook Hospital, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

76. The document attached to this Request for Admissions as Exhibit CX-05055 is authentic, genuine, and a true and correct copy of an amendment, 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.

ANSWER: Respondents admit that Exhibit CX-05055 is presumptively authentic, genuine, and a true and correct copy of an amendment between [REDACTED] and Evanston Hospital and Glenbrook Hospital, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

77. The document attached to this Request for Admissions as Exhibit CX-05044 is authentic, genuine, and a true and correct copy of an amendment, signed in [REDACTED]. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05044 is presumptively authentic, genuine, and a true and correct copy of an amendment signed in [REDACTED], to a [REDACTED] and Evanston Hospital contract. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

78. The document attached to this Request for Admissions as Exhibit CX-05056 is authentic, genuine, and a true and correct copy of an amendment, 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.

ANSWER: Respondents admit that Exhibit CX-05056 is presumptively authentic, genuine, and a true and correct copy of an amendment between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

79. Exhibits CX-05051 through CX-05056 and CX-05044 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.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

80. The document attached to this Request for Admissions as Exhibit CX-05057 is authentic, genuine, and a true and correct copy of an amendment to a [REDACTED] and Evanston Northwestern Healthcare contract, 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.

ANSWER: Respondents admit that Exhibit CX-05057 is presumptively authentic, genuine, and a true and correct copy of an amendment effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

81. Exhibits CX-05051 through CX-05057 and CX-05044 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.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

[REDACTED]

Highland Park

82. The document attached to this Request for Admissions as Exhibit CX-05058 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. The [REDACTED] contract (including an amendment effective the same date) is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05058 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

83. Exhibit CX-05058 constitutes 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 an exhibit is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

84. The document attached to this Request for Admissions as Exhibit CX-05059 is authentic, genuine, and a true and correct copy of a contract (including an amendment effective the same date) between [REDACTED] and Highland Park, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05059 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Highland Park, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

85. The document attached to this Request for Admissions as Exhibit CX-05060 is authentic, genuine, and a true and correct copy of an amendment (plus a cover letter), effective [REDACTED], to CX-05059. The amendment is a business record of one or both parties to the amendment. The amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05060 is presumptively authentic, genuine, and a true and correct copy of an amendment to a [REDACTED] and Highland Park contract, effective [REDACTED], to CX-05059. Respondents further admit that this Exhibit is presumptively a business record of one or both parties to the amendment. Respondents have no basis at this point in the litigation to challenge these presumptions.

86. Exhibits CX-05059 through CX-05060 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts and amendments (plus a cover letter) between [REDACTED] and Highland Park from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

Evanston Northwestern Healthcare

87. The document attached to this Request for Admissions as Exhibit CX-05061 is authentic, genuine, and a true and correct copy of a contract (including an amendment effective the same date) between [REDACTED] and Evanston Hospital Corporation, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05061 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital Corporation, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

88. Exhibit CX-05061 constitutes 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 an exhibit is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

89. The document attached to this Request for Admissions as Exhibit CX-05062 is authentic, genuine, and a true and correct copy of a notice of termination, effective [REDACTED]. The notice of termination is a business record of one or both parties to the notice of termination. The notice of termination is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05062 is presumptively authentic, genuine, and a true and correct copy of a notice of termination, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

90. Exhibits CX-05061 through CX-05062 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts, amendments, and notices of termination between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

91. The document attached to this Request for Admissions as Exhibit CX-05063 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED] through [REDACTED]. The

[REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05063 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED] through [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

92. Exhibit CX-05063 constitutes 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 an exhibit is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

93. The document attached to this Request for Admissions as Exhibit CX-05064 is authentic, genuine, and a true and correct copy of a contract (including an amendment effective the same date) between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05064 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

94. Exhibits CX-05061 through CX-05064 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts, amendments, and notices of termination between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

95. The document attached to this Request for Admissions as Exhibit CX-05065 is authentic, genuine, and a true and correct copy of a contract (including an amendment signed in [REDACTED]) between [REDACTED] and Evanston Hospital Corporation, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05065 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Hospital Corporation, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

96. The document attached to this Request for Admissions as Exhibit CX-05066 is authentic, genuine, and a true and correct copy of a contract or an amendment, signed in [REDACTED], to CX-05065. The contract or amendment is a business record of one or both parties to the contract or amendment. The contract or amendment is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05066 is presumptively authentic, genuine, and a true and correct copy of a contract and/or amendment to a [REDACTED] and Evanston Hospital contract, signed in [REDACTED], to CX-05065. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties.

Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

97. Exhibits CX-05065 through CX-05066 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.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

98. The document attached to this Request for Admissions as Exhibit CX-05062 is authentic, genuine, and a true and correct copy of a notice of termination, effective [REDACTED]. The notice of termination is a business record of one or both parties to the notice of termination. The notice of termination is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05062 is presumptively authentic, genuine, and a true and correct copy of a notice of termination, effective [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

99. Exhibits CX-05065 through CX-05066 and CX-05062 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts, amendments, and notices of termination between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

100. The document attached to this Request for Admissions as Exhibit CX-05063 is authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED] through [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05063 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED] and [REDACTED]. Respondents further admit that this Exhibit is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

101. Exhibit CX-05063 constitutes 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 an exhibit is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

102. The document attached to this Request for Admissions as Exhibit CX-05067 is authentic, genuine, and a true and correct copy of a contract (including an amendment effective the same date) between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. The [REDACTED] contract is a business record of one or both contracting parties. The contract is admissible into evidence in this matter.

ANSWER: Respondents admit that Exhibit CX-05067 is presumptively authentic, genuine, and a true and correct copy of a contract between [REDACTED] and Evanston Northwestern Healthcare, effective [REDACTED]. Respondents further admit that this Exhibit

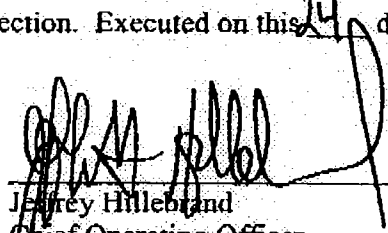
is presumptively a business record of one or both contracting parties. Respondents have no basis at this point in the litigation to challenge the authenticity of this document.

103. Exhibits CX-05065 through CX-05067 and CX-05062 through CX-05063 constitute an authentic, genuine, true and correct copy of the complete set of the [REDACTED] contracts, amendments, and notices of termination between [REDACTED] and Evanston Northwestern Healthcare from [REDACTED] to [REDACTED]. This set of exhibits is admissible into evidence in this matter.

ANSWER: Despite reasonable inquiry, the information known to or readily obtainable by Respondents is insufficient to enable them to admit or deny the first sentence of this Request given that discovery is ongoing. Respondents reserve their right to amend their answer to this Request.

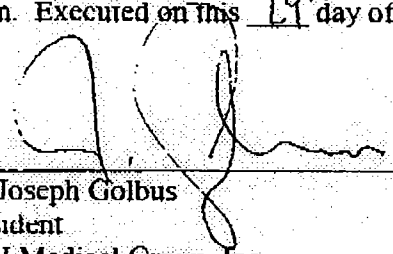
VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 24 day of May, 2004.



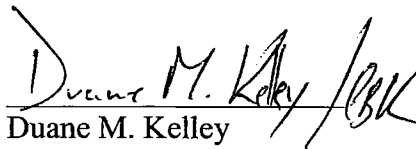
Jeffrey Hillebrand
Chief Operating Officer
Evanston Northwestern Healthcare Corporation

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed on this 24th day of May, 2004.



Dr. Joseph Golbus
President
ENH Medical Group, Inc.

Respectfully Submitted,

Handwritten signature of Duane M. Kelley in black ink, written over a horizontal line.

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CERTIFICATE OF SERVICE

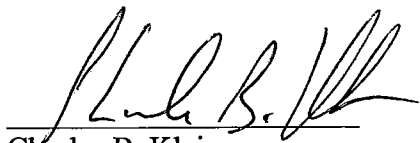
I hereby certify that on May 24, 2004, a copy of the foregoing Respondents' Answers and Objections to Complaint Counsel's Second Request for Admissions Concerning Authenticity and Admissibility was served (unless otherwise indicated) by email and first class mail, postage prepaid, on:

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Washington, DC 20580
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