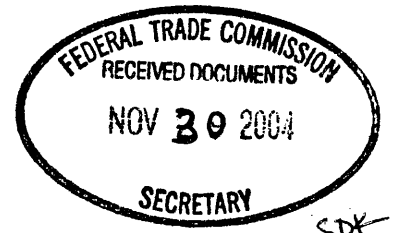


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



_____)
In the Matter of _____)
_____)
EVANSTON NORTHWESTERN HEALTHCARE _____)
CORPORATION, _____)
_____)
and _____)
_____)
ENH MEDICAL GROUP, INC., _____)
Respondents. _____)
_____)

Docket No. 9315


**ORDER DENYING COMPLAINT COUNSEL'S MOTION TO COMPEL DISCOVERY
AND FOR EXTENSION OF TIME TO FILE ECONOMETRIC REBUTTAL REPORT**

On November 26, 2004, Complaint Counsel filed a motion seeking to compel discovery of processed data files and requesting an extension from November 30, 2004 to ten days after production of the processed data files to file an econometric rebuttal report ("Motion"). On November 29, 2004, Respondents filed their opposition ("Opposition").

Complaint Counsel contends that processed data files, which organize raw data, are necessary for Complaint Counsel's rebuttal experts to analyze Respondents' expert's opinions. Motion at 2-4. Respondents argue that they provided their expert reports and raw data, as required by the Third Revised Scheduling Order, on November 2, 2004; that they discussed the problems encountered by Complaint Counsel in processing the raw data on November 10 and 11, 2004; and that Respondents would not turn over processed data files because Complaint Counsel had not turned over their expert's processed data files, with one exception involving a proprietary software program. Opposition at 3-5.

By November 11, 2004, Complaint Counsel was aware that Respondents provided raw data, not processed data, and that Respondents did not intend to provide the processed data. Complaint Counsel has not explained why they waited two weeks to file this motion. Complaint Counsel has not established good cause to compel additional discovery or for an extension of time to file an econometric rebuttal report.

ORDERED:



Stephen J. McGuire
Chief Administrative Law Judge

Date: November 30, 2004