

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
Office of Administrative Law Judges**

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

**COMPLAINT COUNSEL’S MOTION FOR LEAVE TO TAKE DISCOVERY AFTER
DISCOVERY CUT-OFF DATE AND STAY
CONSIDERATION OF MOTION TO COMPEL**

Complaint Counsel hereby respectfully move the Court for leave to take the depositions, after September 13, 2004, of three witnesses, Mike Payne, Barbara Hanahan, and Rob Lekowski (the “Affiants”) whose affidavits Respondents just submitted in support of Respondents’ Opposition to Complaint Counsel’s Motion to Compel dated September 2, 2004.

Respondents filed this memorandum in response to Complaint Counsel’ Motion to Compel Respondents’ Production of Documents from Electronic Files dated August 19, 2004. While Complaint Counsel’s motion can be granted without further inquiry, Complaint Counsel respectfully suggest that this factual discovery is necessary before the Court gives any weight to the fact-intensive affidavit testimony on which Respondents base their opposition to the Motion to Compel. Moreover, because these affidavits were filed only last week, and because there are already more than a dozen depositions scheduled during the last week of the discovery period, Complaint Counsel does not have the time to prepare for or to take these depositions before the

close of discovery, now scheduled for September 13, 2004

In a conversation with Charles B. Klein, Esq., counsel for Respondents, on September 8, 2004, Respondents stated that they opposed this motion.

A proposed order is attached.

Respectfully submitted,

Dated: _____

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ORDER

Upon motion of Complaint Counsel, and in consideration of the issues pertaining thereto, it is hereby,

ORDERED, that Complaint Counsel is granted leave to take the depositions of Mike Payne, Barbara Hanahan and Rob Lekowski after September 13, 2004, and it is further

ORDERED, that Complaint Counsel shall file its supplemental papers on the pending Motion to Compel Respondents' Production of Documents from Electronic Files, dated August 11, 2004, within ten (10) days of the completion of the last of these depositions.

ORDERED:

Stephen J. McGuire
Chief Administrative Law Judge

Date: _____