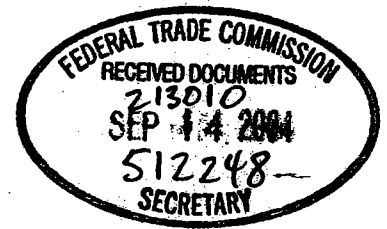


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**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

_____)
In the Matter of)
)
Evanston Northwestern Healthcare)
Corporation,) Docket No. 9315
an Illinois corporation, and) **PUBLIC VERSION**
)
)
ENH Medical Group, Inc.,)
an Illinois corporation.)
_____)

**COMPLAINT COUNSEL'S OPPOSITION TO RESPONDENTS' MOTION FOR A
LIMITED EXTENSION OF THE DISCOVERY DEADLINE**

On September 13, 2004, the last scheduled day of discovery, Respondents filed a motion for a "limited" extension of the deadline as to discovery directed to (including the depositions of personnel from) third parties Abbott Laboratories and Towers Perrin. However, Respondents failed to advise the Court of Complaint Counsel's objection, which Complaint Counsel conveyed to Michael T. Hannafan, Esq., counsel for Respondents, in a telephone conversation the week of September 6, 2004, to an open-ended extension of time for the depositions of these third parties. In that conversation, Complaint Counsel expressly opposed granting Respondents leave to depose these fact witnesses after September 30, 2004.

At this stage of the litigation, both parties must begin their trial preparations. An unlimited extension of time to depose identified fact witnesses, like that requested by Respondents here, will interfere with these trial preparations. In particular, postponing these third party depositions until after Abbott Laboratories and Towers Perrin produce all documents

responsive to the subpoenas duces tecum served on them is unrealistic because this type of extension could prolong discovery indefinitely.¹

Except to the extent that Respondents seek leave to depose these witnesses after September 30, 2004, Complaint Counsel does not oppose the motion of Respondents.

Respectfully submitted,

Dated: _____

9/14/04



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¹ In this light, both Complaint Counsel and Respondents have deposed other witnesses – both party witnesses and other nonparty witnesses – before the document production has been completed. There is no reason the Abbott Laboratories and Towers Perrin should be treated different.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing documents were served on counsel for the respondent by electronic mail and first class mail delivery:

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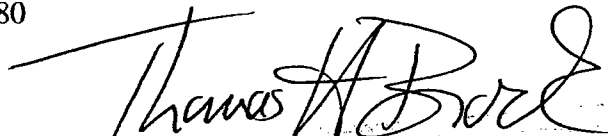
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