

**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
a corporation, and)	
)	Public Version
ENH Medical Group, Inc.,)	
a corporation.)	
_____)	

**RESPONDENTS' FIFTH REQUESTS FOR ADMISSIONS
CONCERNING AUTHENTICITY AND ADMISSIBILITY**

Pursuant to the Federal Trade Commission's Rules of Practice ("Rules"), 16 C.F.R. § 3.32, and the Scheduling Orders entered in this action, Respondents Evanston Northwestern Healthcare Corporation ("ENH") and ENH Medical Group, Inc. ("ENH Medical Group") hereby request that Complaint Counsel answer the following requests for admissions concerning authenticity and admissibility within 20 days of service of this request, in accordance with the Definitions set forth below.

DEFINITIONS

A. The term "document" includes, without limitation, writings, drawings, graphs, charts, handwritten notes, film, photographs, audio and video recordings and any such representations stored on a computer, a computer disk, CD-ROM, magnetic or electronic tape, or any other means of electronic storage, and other compilations from which information can be obtained in machine-readable form (translated, if necessary, into reasonably usable form by the person subject to the subpoena). The term "documents" includes electronic mail and drafts of documents, copies of documents that are not identical duplicates of the originals, and copies of documents the originals of which are not in your possession, custody or control.

B. The term "ENH" means Evanston Northwestern Healthcare Corporation (including Evanston Hospital, Glenbrook Hospital, and Highland Park Hospital), its parents, predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and all directors, officers, employees, agents, and representatives of the foregoing. The terms "subsidiary," "affiliate" and "joint venture" refer to any person in which there is partial (25 percent or more) or total ownership or control between ENH and any other person.

C. The term "Highland Park" means Highland Park Hospital, its parents, predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and all directors, officers, employees, agents, and representatives of the foregoing.

D. The term "business record" is defined according Rule 803(6) of the Federal Rules of Evidence as "[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[.]"

E. Unless otherwise defined, all words and phrases used in this First Set of Interrogatories shall be accorded their usual meaning as defined by Webster's New Universal Unabridged Dictionary (2d ed. 1983).

REQUESTS FOR ADMISSIONS

Provena Saint Therese Medical Center

1. The document attached to this Request for Admissions as Exhibit 1 and Bates labeled VIS 0071861-0071879 is authentic, genuine, and a true and correct copy of the original business record. This document is admissible into evidence in this matter.

Respectfully Submitted,

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Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2004, a copy of the foregoing Respondents' Fifth Request for Admissions Concerning Authenticity and Admissibility (Public Record Version) was served by email and first class mail, postage prepaid, on:

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