

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

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

**RESPONDENTS' RESPONSE TO LOUIS A. WEISS
MEMORIAL HOSPITAL'S SECOND MOTION TO EXTEND TIME**

Respondents Evanston Northwestern Healthcare Corporation (“ENH”) and ENH Medical Group, Inc. (collectively, “Respondents”) hereby respond to third party Louis A. Weiss Memorial Hospital’s (“Weiss Memorial Hospital”) Second Motion to Extend Time in Which to Move to Quash or Limit Respondent’s Subpoena (“Motion”), which was filed on June 22, 2004.

INTRODUCTION

This is Weiss Memorial Hospital’s second motion to extend the time in which to quash or limit Respondents’ subpoena. As detailed its Motion, Weiss Memorial Hospital was served with a subpoena for documents on May 5, 2004, and previously received an extension until June 24, 2004, in which to move to quash or limit the subpoena. See Motion ¶¶ 2, 4. Weiss Memorial Hospital now requests a second extension to July 26, 2004 – thus granting the hospital 2 ½ months to respond to a document subpoena. Respondents believe that Weiss Memorial Hospital’s request for a four week extension until July 26, 2004 is unreasonable.

RESPONSE

Respondents have issued over thirty subpoenas in this matter and are working to receive documents from all third parties on a rolling basis. Respondents are also in the process of scheduling virtually all fact depositions in this matter during July and August, in advance of the close of fact discovery on September 13, 2004. Because nearly half of the depositions will have already occurred by July 24, 2004, the date Weiss Memorial Hospital has requested for its second extension, granting its Motion will hinder Respondents' ability to review, analyze, and utilize documents during the course of fact discovery. Accordingly, Weiss Memorial Hospital should be required to respond to the subpoena by no later than July 8, 2004.

Certain of Weiss Memorial Hospital's concerns addressed in paragraph 6 of its motion warrant a further response. As an initial matter, while counsel for Weiss Memorial Hospital and counsel for Respondents have been in contact regarding the subpoena generally, counsel for Weiss Memorial Hospital did not raise many of its stated concerns before filing the Motion. In reality, these concerns are exaggerated. First, any "highly confidential" information will be adequately safeguarded by the protective order entered in this case and provided to Weiss Memorial Hospital along with the subpoena. Second, despite Weiss Memorial Hospital's assertion to the contrary, Respondents have not asked the hospital to undertake "a financial analysis" from scratch but, to the contrary, merely requested the production of actual documents. Finally, counsel for Respondents has offered to participate in substantive subpoena discussions to arrive at mutual agreements, and any concerns about the pertinent time period could likely be resolved swiftly.

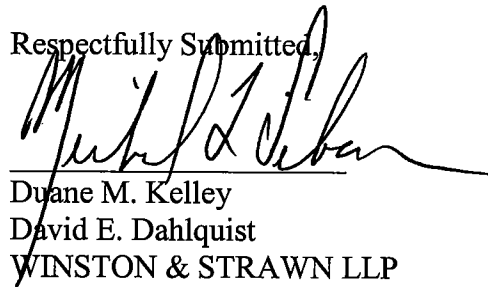
Respondents are committed to working with Weiss Memorial Hospital to resolve all subpoena-related issues without further involvement from this Court. Accordingly, a second extension until July 26, 2004, is not warranted.

CONCLUSION

For the foregoing reasons, Respondents request that this Honorable Court grant Weiss Memorial Hospital a further extension of no later than July 8, 2004.

June 29, 2004

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2004, a copy of the foregoing Respondents' Response to Weiss Memorial Hospital's Second Motion to Extend Time was served by email and first class mail, postage prepaid, on:


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ORDER

Upon consideration of Louis A. Weiss Memorial Hospital's Second Motion to Extend Time in Which to Move to Quash or Limit Respondent's Subpoena and Respondents' Response thereto, and the Court being fully informed, it is this _____ day of _____, 2004 hereby

ORDERED, that the Motion is GRANTED IN PART AND DENIED IN PART and Louis A Weiss Memorial Hospital is given until the _____ of _____, 2004, in which to move to quash or otherwise limit Respondents' subpoena.

The Honorable Stephen J. McGuire
CHIEF ADMINISTRATIVE LAW JUDGE
Federal Trade Commission