

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

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

**COMPLAINT COUNSEL’S MOTION FOR SCHEDULING OF  
CERTAIN DEPOSITIONS BEYOND DISCOVERY DEADLINE**

Pursuant to the Federal Trade Commission’s Rules of Practice (“FTC Rules”), 16 C.F.R. §§ 3.21(c)(2) and 3.22, Complaint Counsel moves for modification of the current Scheduling Order to allow for the scheduling of two non-party depositions on September 20 and 21, 2004. The current Scheduling Order sets a September 13, 2004 discovery cut-off date. Respondents and counsel for the non-parties raise no objection to this request.

Complaint Counsel issued subpoenas *ad testificandum* dated May 24, 2004 to former and current employees of non-party, Bain & Company (“Bain”). These subpoenas requested the depositions of, among others, Kim Ogden, a former Bain employee, and Charles Farkas, a current Bain employee. Respondents named both Bain representatives in their witness list.

Although Complaint Counsel and Bain’s counsel established several dates for Mr. Farkas’ deposition, including August 10 and subsequently August 23, due to a number of unexpected scheduling difficulties, including a death in the family of counsel for Bain, the deposition did not occur as scheduled. The earliest possible date that now accomodates Mr.

Farkas' schedule is Monday, September 20, 2004, one week beyond the discovery cut-off date. To conduct both Bain depositions in the same time frame, Complaint Counsel and counsel for Bain agreed to schedule Ms. Ogden's deposition for September 21, 2004.

At this point in the proceeding, no other non-expert depositions are scheduled beyond the September 13, 2004 discovery deadline.

For the above reasons, Complaint Counsel respectfully requests the Court for permission to schedule the depositions of Mr. Farkas and Ms. Ogden on September 20 and 21, 2004.

Respectfully submitted,

August 18, 2004

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Respondents.	)	
_____	)	

**ORDER**

Upon consideration of Complaint Counsel’s Motion for Scheduling of Certain Depositions Beyond Discovery Deadline, it is hereby

ORDERED, that the Motion is GRANTED; and it is further

ORDERED, that the deposition of Mr. Charles Farkas shall be conducted on or before September 20, 2004 and the deposition of Ms. Kim Ogden shall be conducted on or before September 21, 2004.

Entered this \_\_\_\_\_ day of August, 2004.

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

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing documents were hand delivered to

The Honorable Stephen J. McGuire  
Chief Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW (H-106)  
Washington, D.C. 20580

and served on counsel for the Respondents by electronic and first class mail delivery to:

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Date

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