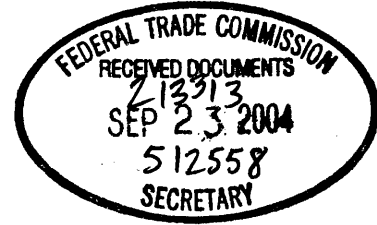


**ORIGINAL**



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

\_\_\_\_\_  
In the matter of )  
 )  
 )  
**Evanston Northwestern Healthcare** )  
**Corporation,** )  
a corporation, and )  
 )  
**ENH Medical Group, Inc.,** )  
a corporation. )  
 )  
 )  
\_\_\_\_\_ )

Docket No. 9315

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

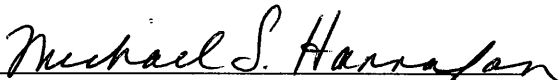
Complaint Counsel objects to Respondents' conduct of three depositions beyond September 30 without benefit of prior document production pursuant to subpoenas. Respondents' opposition to Abbott's and Towers Perrin's Joint Motion to Quash or Limit Subpoenas is now pending before the FTC.

It is both ludicrous and unfair for Complaint Counsel to object at all to Respondents' Motion For a Limited Extension of the Discovery Deadline. First, the three Abbott and Towers Perrin witnesses subpoenaed by Respondents are listed on Complaint Counsel's own Revised Witness List. Second, the FTC obtained copies of the Towers Perrin "Drill Down" Reports prepared for Abbott during its investigation. These Reports are a topic of Respondents' third party subpoenas together with related documents. Complaint Counsel's suggestion that Respondents first depose the witnesses before the documents are produced is nonsensical. Such a procedure probably would require supplemental depositions after the subpoenaed documents.

are produced.

Because it was Complaint Counsel's idea to list the three deposition witnesses as possible trial witnesses and to focus on the "Drill down" Reports, then Complaint Counsel should either: (1) withdraw those witnesses from its trial list and withdraw the Drill Down Reports from its trial exhibits, or (2) withdraw its objections to Respondents' pending Motion for a Limited Extension of Time. In any event, the problem which has arisen is the result of the third parties' non-compliance with valid and timely served subpoenas. Accordingly, Respondents should not be punished for their attempts to conduct discovery of the FTC's noticed witnesses without prior document discovery.

Respectfully submitted,

  
MICHAEL T. HANNAFAN  
One of the Attorneys for Respondents

Dated: September 22, 2004

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 17, 2004, a copy of the foregoing **Respondents' Reply to Complaint Counsel's Opposition to Motion For Limited Extension of Discovery Deadline** was served by first class mail, Federal Express and electronically on:

The Honorable Stephen J. McGuire  
Chief Administrative Law Judge  
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Washington, DC 20580  
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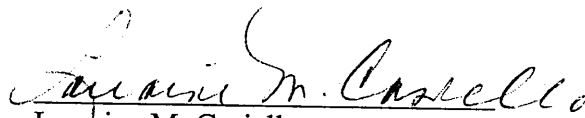
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**CERTIFICATE OF SERVICE**

I hereby certify that on September ~~11~~<sup>12</sup>, 2004, a copy of the foregoing **Respondents' Reply to Complaint Counsel's Opposition to Motion For Limited Extension of Discovery Deadline** was served by first class mail, Federal Express and electronically on:

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