

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

)		
In the matter of)		
)		Docket No. 9315
Evanston Northwestern Healthcare Corporation,)		
a corporation)		Public Record Version
)		
)		

**JOINT STIPULATIONS REGARDING ADMISSIBILITY OF
CERTAIN DOCUMENTS AND DESIGNATED DEPOSITION TESTIMONY**

Complaint Counsel and Counsel for Respondent Evanston Northwestern Healthcare Corporation (“ENH”) stipulate that:

1. Neither party will call Gary Mecklenburg or Heidi Schelling to testify at trial in its case-in-chief. The parties agree that the redacted transcripts for Mr. Mecklenburg and Ms. Schelling, attached at Attachments 1 and 2, respectively, [NOTE: THE ATTACHMENTS WERE DELETED FOR THE PUBLIC RECORD VERSION] will be moved into evidence without objection. Each party reserves the right to object to the admission into evidence of any other portion of the Mecklenburg and Schelling transcripts not included in these attachments.

2. Neither party will object to the admissibility of the exhibits listed in Attachment 3 hereto [NOTE: THIS ATTACHMENT WAS DELETED FOR THE PUBLIC RECORD VERSION]. Each party, however, reserves the right to argue that appropriate weight should be given to documents subject to this stipulation that are missing pages or arguably should be considered in the context of another document or other documents not in evidence.

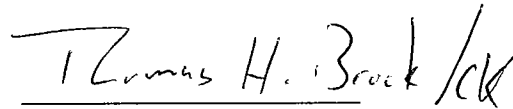
3. All handwriting on documents subject to this stipulation is presumed to be inadmissible hearsay and, therefore, not admitted for the truth of the matter asserted. A party,

however, may attempt to admit such handwriting into evidence during trial under a hearsay exception, such as the business records or party admission exceptions, if the author of the handwriting is established. A party may establish the author of the handwriting by: (1) stipulation of the parties, (2) a presumption that a document containing handwriting produced by a particular custodian is the handwriting of that custodian (this presumption may be rebutted through a declaration), (3) deposition testimony, (4) trial testimony, or (5) such other grounds as may be approved by the Court. Both parties reserve the right to object to the admissibility of handwriting for the truth of the matter asserted therein on grounds other than foundation (such as hearsay) once the author of the handwriting is established.

4. "Hearsay within hearsay" (*see* Fed. R. Evid. 805) in documents subject to this stipulation shall not be admitted for the truth of the matter asserted therein unless the parties shall have separately satisfied the evidentiary requirements for the admission of the hearsay within hearsay.

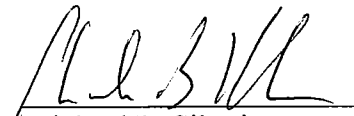
In reliance on, and subject to the stipulations above, the parties agree to move into evidence the redacted transcripts attached at Attachments 1 and 2 and the exhibits listed in Attachment 3. Each party will submit copies of its exhibits in a format acceptable to the Court.

Respectfully submitted,



Thomas H. Brock, Esq.
Federal Trade Commission
600 Pennsylvania, Ave. NW (H-374)
Washington, DC 20580
(202) 326-2813
Fax: (202) 326-2214
Email: TBrock@ftc.gov

Complaint Counsel



Michael L. Sibarium
Charles B. Klein
WINSTON & STRAWN, LLP
1400 L St. NW
Washington, DC 20005
(202) 371-5777
Fax: (202) 371-5950
Email: msibarium@winston.com
Email: cklein@winston.com

Duane M. Kelley
WINSTON & STRAWN, LLP
35 West Wacker Dr.
Chicago, IL 60601-9703
(312) 338-5764
Fax: (312) 558-5700
dkelley@winston.com

Counsel for Respondent

CERTIFICATE OF SERVICE

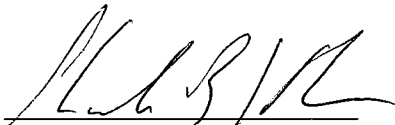
I hereby certify that on March 1, 2005, a copy of the foregoing *Joint Stipulations Regarding Admissibility Of Certain Documents and Designated Deposition Testimony* was served by email and first class mail, postage prepaid, on:

The Honorable Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW (H-106)
Washington, DC 20580
(two courtesy copies delivered by messenger only)

Thomas H. Brock, Esq.
Federal Trade Commission
600 Pennsylvania, Avenue, NW (H-374)
Washington, DC 20580
tbrock@ftc.gov

Philip M. Eisenstat, Esq.
Federal Trade Commission
601 New Jersey Avenue, N.W.
Room NJ-5235
Washington, DC 20580
peisenstat@ftc.gov

Chul Pak, Esq.
Assistant Director Mergers IV
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, DC 20580
cpak@ftc.gov
(served by email only)


Charles B. Klein