

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

_____)	
In the matter of)	
)	
Evanston Northwestern Healthcare)	
Corporation,)	Docket No. 9315
and)	
)	
ENH Medical Group, Inc.,)	
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 a non-party depositions on September 21, 2004. The current Scheduling Order sets a September 13, 2004 discovery cut-off date. Respondents raise no objection to this request.

Mayor Michael Belsky was identified by the Respondents on their revised witness list dated August 13, 2004. After receiving the Respondents’ revised witness list, Complaint Counsel immediately issued subpoenas *ad testificandum* dated August 20, 2004 to Mayor Belsky.

Although Complaint Counsel established dates for Mayor Belsky’s deposition before the close of Discovery, including August 31, 2004, Mayor Belsky was unavailable to be deposed until after the close of Discovery. Mayor Belsky will be made available on Tuesday, September 21, 2004, eight days beyond the discovery cut-off date. To conduct Mayor Belsky’s deposition,

Complaint Counsel and counsel for Mayor Belsky agreed to schedule Mr. Belsky's deposition for September 21, 2004.

An extension is necessary because Complaint Counsel's only other available option are to move for an order to preclude Respondents from calling Mayor Belsky as a witness, which Complaint Counsel would prefer not to do.

For the above reasons, Complaint Counsel respectfully request the Court for permission to schedule the depositions of Mayor Belsky on September 21, 2004.

Respectfully submitted,

August 30, 2004

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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
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Washington, D.C. 20580

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