

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)
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EVANSTON NORTHWESTERN HEALTHCARE)
CORPORATION,)
)
)
and)
)
)
ENH MEDICAL GROUP, INC.,)
Respondents.)

Docket No. 9315


ORDER GRANTING RESPONDENT’S MOTION TO QUASH

On September 9, 2004, Respondent ENH Medical Group (“ENH”) filed a motion seeking to quash the deposition of David Loveland, ENH’s Senior Vice President of Corporate Relations (“Motion”). On September 14, 2004, Complaint Counsel filed its opposition (“Opposition”).

Loveland was listed on Complaint Counsel’s revised witness list dated August 6, 2004. Opposition at 1. On September 8, 2004 Complaint Counsel noticed the deposition of Loveland for the last day of fact discovery, September 13, 2004. Motion at 1. Pursuant to Commission Rule 3.33(a), “[t]he party seeking the deposition shall serve upon each person whose deposition is sought and upon each party to the proceeding reasonable notice in writing of the time and place at which it will be taken” 16 C.F.R. § 3.33(a). Considering the extensive discovery planned for the final three business days of discovery, including according to Respondent thirteen previously scheduled depositions, three business days did not constitute reasonable notice.

For the above stated reasons, Respondent’s motion to quash is **GRANTED**.

ORDERED:


Stephen J. McGuire
Chief Administrative Law Judge

Date: September 21, 2004