

In The Matter Of:

*EVANSTON NORTHWESTERN HEALTHCARE CORPORATION
AND ENH MEDICAL GROUP, INC.*

*Trial Volume 29
April 5, 2005
PUBLIC RECORD*

*For The Record, Inc.
Court Reporting and Litigation Support
10760 Demarr Road
White Plains, MD USA 20695
(301) 870-8025 FAX: (301) 870-8333*

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Exhibit 8

[1] JUDGE MCGUIRE: Well, that's going to be the
 [2] case anyway, it seems like. I mean, you're not going to
 [3] have 24 hours in any event, are you?
 [4] MR. SIBARIUM: That's right. We won't have 24
 [5] hours.
 [6] JUDGE MCGUIRE: How much time would you — how
 [7] much are you looking for leeway-wise?
 [8] MR. SIBARIUM: We will get them out late at
 [9] night tomorrow night.
 [10] JUDGE MCGUIRE: Late at night, like 10:00 p.m.?
 [11] MR. SIBARIUM: We're not starting until 1:00.
 [12] JUDGE MCGUIRE: I know we're not.
 [13] MR. SIBARIUM: If I could. If I have to do it
 [14] sooner, I would.
 [15] MR. BROCK: Your Honor, I know we had the same
 [16] problem yesterday versus today.
 [17] JUDGE MCGUIRE: Yes, right.
 [18] MR. BROCK: And as a result, it's a little bit
 [19] difficult to see the change in the rules at this point.
 [20] If we were to get them tomorrow evening by 7:00, we
 [21] could at least have a chance to take a look at them.
 [22] MR. SIBARIUM: We will make every effort to do
 [23] that. We will endeavor to do it by 7:00.
 [24] JUDGE MCGUIRE: Okay, everything else you guys
 [25] prior to hearing have done an excellent job on. I'm

[1] confident this is one that you can come to some sort of
 [2] agreement on. So —
 [3] MR. BROCK: Thank you, Your Honor.
 [4] JUDGE MCGUIRE: — we will give you that leeway,
 [5] but don't abuse it.
 [6] MR. SIBARIUM: Thank you, Your Honor. We won't.
 [7] JUDGE MCGUIRE: Anything else?
 [8] MR. SIBARIUM: No, Your Honor.
 [9] JUDGE MCGUIRE: There is one item that has come
 [10] to the Court's attention. I have been advised by the
 [11] court reporter that the parties have offered JX 4 but
 [12] that there were going to be some changes made to that
 [13] document or it's unclear to the Court as to whether JX 4
 [14] is still in its completed form or not. I know the
 [15] parties apparently were going to do something else with
 [16] that, but it's not clear to either the Court or the
 [17] court reporter the status of JX 4.
 [18] THE REPORTER: And I believe it may affect JX 2
 [19] and JX 4.
 [20] MR. BROCK: I think I can speak to that. As a
 [21] general matter, Your Honor, we had the opportunity to
 [22] jointly review the stipulations 2 through 5 that were
 [23] submitted to the Court, and we noticed that there were
 [24] some errors in the stipulation as it was submitted, and
 [25] there were some errors, minor ones, in the exhibits.

[1] The errors in the exhibits simply amounted to the fact
 [2] that there weren't CX or RX numbers assigned to the
 [3] exhibits.
 [4] The parties are working together and are I
 [5] believe reaching an agreement as to all of the changes
 [6] that would have to be made. It would be my suggestion
 [7] that the parties jointly submit new sets of JX 2 through
 [8] 5. If necessary, we'll advise the Court of the
 [9] replacement exhibits, but it was purely inadvertence
 [10] on —
 [11] JUDGE MCGUIRE: No, that's fine. I'm not being
 [12] critical. I'm just saying let's get that cleared up
 [13] before we conclude the hearing on Thursday, and that
 [14] applies to any other items of evidence, and it might be
 [15] good for the parties to confer sometime on Thursday,
 [16] either before or after the hearing, to ensure that
 [17] everything that we've offered and entered have, in fact,
 [18] been entered in this record. That's just good practice.
 [19] MR. SIBARIUM: Yes.
 [20] MR. BROCK: And I understand that, Your Honor,
 [21] and it's my belief that upon the filing of the corrected
 [22] copies of the JX 2 through 5, that the record will be
 [23] complete.
 [24] JUDGE MCGUIRE: Okay.
 [25] MR. BROCK: I'll have to confirm that to be

[1] certain, but I believe that's the case.
 [2] JUDGE MCGUIRE: Good. The other thing, as I
 [3] indicated earlier today, the Court will issue an order
 [4] probably — certainly by the start of trial on Thursday
 [5] regarding the post-hearing briefing schedule, and you
 [6] will have that if not tomorrow by the start of trial on
 [7] Thursday, and if you have any inquiries on any aspect of
 [8] that order, then certainly at the end of the trial on
 [9] Thursday, that's something I'll be happy to talk about.
 [10] So, let's see, who are we having again on
 [11] Thursday for your rebuttal witnesses?
 [12] MR. BROCK: At present, we have scheduled
 [13] Dr. Romano and Dr. Werden.
 [14] JUDGE MCGUIRE: Dr. Werden.
 [15] MR. BROCK: And we will keep the Court apprised
 [16] of that after a final assessment.
 [17] JUDGE MCGUIRE: Okay, so we are not going to
 [18] start again on Thursday until 1:00 p.m. Is that
 [19] correct?
 [20] MR. BROCK: That's correct, Your Honor.
 [21] MR. SIBARIUM: That's our understanding, Your
 [22] Honor.
 [23] JUDGE MCGUIRE: Okay. Anything else we need to
 [24] take up, then?
 [25] MR. SIBARIUM: Not from us, Your Honor.