## UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Deborah Platt Major as, Chairman Thomas B. Leary Pamela Jones Harbour

Jon Leibowitz



In the Matter of

Evanston Northwestern Healthcare Corporation, a corporation, and

ENH Medical Group, Inc., a corporation.

Docket No. 9315 PUBLIC

## **NOTICE OF APPEAL**

Pursuant to FTC Rule of Practice § 3.52(a), 16 C.F.R § 3.52(a), Respondent ENH Medical Group, Inc. hereby gives notice that it will appeal, against Complaint Counsel, the entirety of the Initial Decision and Order entered by the Administrative Law Judge, as well as certain procedural and evidentiary rulings, in the above captioned proceeding.

Although ENH Medical Group was served with a copy of the Initial Decision and Order, it was not included in the caption of the Initial Decision and Order pursuant to a discussion among Complaint Counsel, counsel for ENH Medical Group and the office of the Administrative Law Judge. The allegations in Count III of the Complaint against ENH Medical Group were resolved by a consent order that the Commission approved as final on May 17, 2005. This notice of appeal, therefore, is being filed to preserve ENH Medical Group's rights to appeal in the event that it is ultimately determined that ENH Medical Group nevertheless remains a Respondent in this case.

Date: November 2, 2005

Driane M. Kelley

WINSTON & STRAWN LLP

35 West Wacker Drive

Chicago, IL 60601 (312) 558-5600 (voice)

(312) 558-5700 (fax)

dkelley@winston.com

Michael L. Sibarium

WINSTON & STRAWN LLP

1700 K Street, N.W.

Washington, D.C. 20005

(202) 282-5000 (voice)

(202) 282-5100 (fax)

msibarium@winston.com

Counsel for ENH Medical Group, Inc.

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2005, copies of the foregoing Notice of Appeal were served (unless otherwise indicated) by email and first class mail, postage prepaid, on:

Office of the Secretary Federal Trade Commission Room H-159 600 Pennsylvania Avenue, N.W. Washington, D.C. 10580

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

Thomas H. Brock, Esq. Federal Trade Commission 600 Pennsylvania, Ave. 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)

Michael L. Sibarium