

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**FEDERAL TRADE COMMISSION)
and STATE OF ILLINOIS,)**

Plaintiffs,)

v.)

**ADVOCATE HEALTH CARE,)
ADVOCATE HEALTH and)
HOSPITALS CORPORATION,)
NORTSHORE UNIVERSITY)
HEALTHSYSTEM,)**

Defendants.)

No. 15 C 11473

Judge Jorge L. Alonso

MEMORANDUM OPINION ORDER

Plaintiffs ask the Court to allow the parties to cite “all reliable evidence” in their proposed findings of fact, even if the evidence is not admitted during the preliminary injunction hearing. The evidence plaintiffs deem reliable is affidavits and declarations given under penalty of perjury, sworn deposition testimony, and sworn testimony given during the investigational hearing. Defendants argue that some of this evidence, particularly affidavits and declarations that were drafted for witnesses by the FTC, is unreliable and other evidence is cumulative. However, plaintiffs do not identify the specific evidence on which they intend to rely, and defendants do not identify the specific evidence that they contend is unreliable or cumulative. Until the parties present a concrete controversy over the admissibility of a piece of evidence, the Court has no basis for making a ruling. Accordingly, plaintiffs’ motion for an order allowing the parties’ proposed findings of fact to cite all reliable evidence [168] is denied. Moreover, the Court directs the parties to meet and confer about the specific evidence each anticipates citing in support of its proposed findings of fact and attempt to resolve any objections. As to any objections they cannot resolve, the Court directs the

parties to compile a chart listing the specific evidence, *e.g.*, paragraphs of a declaration or page and line numbers of a deposition, on which a party seeks to rely and the opposing party's specific objection and legal and factual support for it. The Court will then rule on any specific evidentiary objections so presented.

SO ORDERED.

ENTERED: March 15, 2016

A handwritten signature in black ink, consisting of a large, loopy initial 'J' followed by 'L. A.' and a period. The signature is written over a horizontal line.

HON. JORGE L. ALONSO
United States District Judge