

EXHIBIT A

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

| | | |
|----------------------------|---|-----------------------------|
| FEDERAL TRADE COMMISSION |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 11-cv-50344 |
| v. |) | |
| |) | Magistrate Judge P. Michael |
| OSF HEALTHCARE SYSTEM, and |) | Mahoney |
| ROCKFORD HEALTH SYSTEM |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF'S AND DEFENDANTS' JOINT
PROPOSED PRELIMINARY INJUNCTION HEARING SCHEDULE**

1. Beginning on November 29, 2011, and ending no later than December 5, 2011, the Plaintiff shall produce, for inspection and copying, all investigational hearing transcripts of, and documents and materials provided by, third parties during the investigation of Defendants' affiliation unless the third party has moved to prevent such disclosure by December 5, 2011.
2. On December 5, 2011, the Plaintiff and Defendants shall disclose the identity of any additional expert witness(es) and describe the topic(s) of his or her testimony.
3. On December 19, 2011, Defendants shall produce any additional affidavits or declarations from fact witnesses employed by or otherwise affiliated with the Defendants.
4. On December 20, 2011, the Plaintiff and Defendants shall identify up to 5 potential fact witnesses per side and each previously disclosed expert witness who may be called to testify at the evidentiary hearing on Plaintiff's Motion for Preliminary Injunction.
5. On January 11, 2012, the Plaintiff and Defendants shall exchange any additional, supplemental, or rebuttal affidavits or declarations from their previously disclosed expert witnesses.

6. Within 48 hours of receipt, and in all cases by January 13, 2012, the Plaintiff and Defendants shall exchange any additional affidavits or declarations from third-party fact witnesses.

7. On January 18, 2012, the Plaintiff and Defendants shall: (a) exchange the investigational hearing testimony excerpts they intend to offer as evidence from those fact witnesses whose investigational hearings the FTC conducted during the course of its investigation; and (b) identify each documentary exhibit they intend to offer as evidence, including those the FTC obtained from third parties during the course of its investigation.

8. Prior to the preliminary injunction hearing, the Plaintiff and the Defendants collectively shall each be entitled to depose the other's expert witnesses and up to eight fact witnesses, including third parties. Depositions of expert witnesses shall be limited to seven hours. Depositions of third-party fact witnesses shall be limited to six hours. The party noticing a third-party fact witness deposition shall be entitled to four hours of deposition time and the other party shall be entitled to two hours of deposition time. Plaintiff shall be entitled to five hours of deposition time when deposing any of Defendants' employees who testified in an investigational hearing. Plaintiff shall be entitled to six hours of deposition time when deposing any other witness employed by or otherwise affiliated with Defendants.

9. On January 20, 2012, the Plaintiff and Defendants shall identify the four witnesses from the preliminary lists created pursuant to Paragraph 4 that each side will present at the evidentiary hearing on Plaintiff's Motion for Preliminary Injunction.

10. On January 24, 2012, the parties shall exchange: (a) the excerpts they intend to offer as evidence from the transcripts of the depositions of the expert and fact witnesses whose depositions were taken pursuant to Paragraph 8 of this Order; and (b) any counter-designations to

the investigational hearing testimony excerpts that the other party identified pursuant to Paragraph 7(a).

11. On January 27, 2012, the parties shall exchange any counter-designations to the deposition excerpts that the other party identified pursuant to Paragraph 10(a).

12. Consistent with the Court's November 23, 2011 order:

- a. a three-day evidentiary hearing on Plaintiff's Motion for Preliminary Injunction shall commence at 9 a.m. on February 1, 2012, with a maximum of four witnesses for Plaintiff and four witnesses for Defendants collectively; b. in lieu of opening statements, the parties shall file supplemental pre-hearing memoranda, not to exceed fifteen pages in length, on January 27, 2012;
- c. in lieu of closing arguments, the parties shall file post-hearing briefs, not to exceed 20 pages, and proposed factual findings and conclusions of law on February 14, 2012; and
- d. the parties may file responses to the post-trial briefs, not to exceed 15 pages in length, on February 21, 2012.