

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,) Civil Action No. C94-1023
)
 vs.) Hon. Michael J. Melloy
)
 MERCY HEALTH SERVICES and) UNITED STATES' SECOND
 FINLEY TRI-STATES HEALTH) AMENDED NOTICE OF DEPOSITIONS
 GROUP, INC.,)
)
 Defendants.)

**UNITED STATES' SECOND AMENDED
NOTICE OF DEPOSITIONS**

TO: David A. Ettinger, Esq.
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The United States notifies the defendants, pursuant to Fed. R. Civ. P. 30(b), that it will take depositions upon oral examination by stenographic means and videotape of the persons listed below commencing at the times and dates indicated. In this Second Amended Notice, the changes to the previous notice are indicated in italics. Barry Harris' deposition will take place at the United States Department of Justice, Antitrust Division, 555 Fourth Street, N.W., Room 9901, Washington, D.C. *Duncan Gallagher's deposition will take place at the United States Attorney's Office, 234 U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.*

Roger Tracy's deposition will take place at the U.S. Attorney's Office, 425 2nd Street S.E., Ground Transportation Center, Suite 950, Cedar Rapids, Iowa. The remaining witnesses will be deposed at the Cycare Plaza Building, 740 Cycare Plaza, Dubuque, Iowa.

The dates and times of each deposition are noted below. If necessary, each deposition will be continued from day to day or be adjourned until completed.

| <u>Deponent</u> | <u>Date</u> | <u>Time</u> |
|--|------------------------|------------------|
| Mr. Lynn B. Fuller Dubuque Bank & Trust 1398 Central Dubuque, Iowa 52004-0778 (planned DRHS board member) | August 19, 1994 | 8:30 a.m. |
| Mr. Steven P. Sesterhenn Cycare Systems, Inc. One Cycare Plaza, Ste. 500 Dubuque, Iowa 52001 | August 19, 1994 | 1:00 p.m. |
| Barry Harris, Ph.D. Economists, Inc. 12323 20th St., N.W. Ste. 600 Washington, D.C. 20036 | August 31, 1994 | 8:30 a.m. |
| Mr. Roger Tracy University of Iowa College of Medicine Room 287 ML Iowa City, Iowa 52242-1181 | August 22, 1994 | 8:30 a.m. |
| Mr. Duncan Gallagher KPMG Peat Marwick 4200 Norwest Center Minneapolis, MN 55402-3700 | August 25, 1994 | 9:00 a.m. |
| R. W. Lengeling, M.D. Dubuque Internal Medicine, P.C. 1515 Delhi Street Dubuque, Iowa 52001 | August 23, 1994 | 8:30 a.m. |

Keith A. Shaw, M.D. August 23, 1994 1:00 p.m.
The Finley Hospital
350 North Grandview Avenue
Dubuque, Iowa 52001

Rule 30(b)(6) Deposition
Mercy Health Services August 17, 1994 8:30 a.m.

Subject Matters:

- * Money transfers and/or capital redistributions between Mercy Health Center and any of its parents or affiliates since January 1, 1989.
- * Defendants' statement in "An Analysis of the Formation of Dubuque Regional Health System" that "[A]ll purchasers, including Deere, are likely to have benefited significantly from the Ottumwa merger."
- * The preparation and dissemination of promotional materials regarding DRHS.
- * The efficiencies that may or will be achieved as a result of the proposed partnership between Mercy Health Center and The Finley Hospital.

Rule 30(b)(6) Deposition
Finley Tri-States August 15, 1994 8:30 a.m.
Health Group, Inc.

Subject Matters:

- * Defendants' statement in "An Analysis of the Formation of Dubuque Regional Health System" that "[A]ll purchasers, including Deere, are likely to have benefited significantly from the Ottumwa merger."
- * The preparation and dissemination of promotional materials regarding DRHS.
- * The efficiencies that may or will be achieved as a result of the proposed partnership between Mercy Health Center and The Finley Hospital.

Rule 30(b)(6) Deposition

The Rule 30(b)(6) deposition notice for Peat Marwick has been withdrawn.

DATED: August 11, 1994

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