

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' SIXTH
 FINLEY TRI-STATES HEALTH) RESPONSE TO DEFENDANTS'
 GROUP, INC.,) FIRST INTERROGATORIES
)
 Defendants.)

**UNITED STATES' SIXTH RESPONSE TO
DEFENDANTS' FIRST INTERROGATORIES**

The United States provides the following supplemental answer to defendants' interrogatories 9 and 11.

9. With respect to each person who will or may testify as an expert witness in this case, identify such expert and with respect to each such person, describe in detail:

a. The general subject matter of the testimony of such witness;

b. The substance of the facts and opinions to which the expert is expected to testify; a summary of the grounds for each opinion; and

c. The area of the witness' expertise, and the qualifications of such witness establishing him or her as an expert, including his/her knowledge, skill, experience, training or education relating to (i) health care, or (ii) the subject of the testimony.

Answer: As the Government stated in the two letters it faxed and sent by Federal Express to defendants today, the Government is designating William F. Bluhm as a rebuttal witness to give rebuttal testimony about the feasibility of employers' switching among hospitals. As we said in the letter, we selected him as an expert last night to give rebuttal testimony about the feasibility of employers switching among hospitals. We provided Mr. Bluhm's Curriculum Vitae, which includes his address and telephone, to defendants today. The Government will produce the information required by the Federal Rules of Civil Procedure at the time agreed to between the parties.

11. With respect to each expert identified in answer to Interrogatory 9, describe in detail:

a. His or her education, including each university degree he or she has earned, the university at which such degree was earned, and the field of study for which the degree was earned.

b. Each position held by such expert relating in any way to his or her proposed testimony, including, without limitation, for each such position, the institution at which such position was held and the years during which such position was held.

c. All studies, analyses, and investigations, published and unpublished, conducted by such expert relating to healthcare, or industrial organization, or antitrust economics, including, without limitation, the title thereof, the date thereof, the subject

thereof the expert's testimony, the conclusion reached in the testimony, any remuneration paid to the expert for such testimony.

e. The remuneration to be paid to such expert in this case.

f. Produce all documents relating to your answer in subparagraph (c).

g. Produce all documents relating to your answer to subparagraph (d), including, without limitation, all depositions, trial transcripts, affidavits, reports and declarations.

h. Produce each expert's curriculum vitae.

i. Produce all documents prepared by any expert relating to the proposed transaction between Mercy and Finley, including, without limitation, calculations, notes, reports, affidavits, declarations, and studies.

Answer: The Government has produced Mr. Bluhm's Curriculum Vitae today by facsimile and letter. The Government will also produce the information required by the Federal Rules of Civil Procedure at the time agreed to by the parties.

Dated: August 19, 1994

Mary Beth McGee
Eugene D. Cohen
Jessica N. Cohen

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VERIFICATION

I, Jessica N. Cohen, declare:

1. I am an attorney with the United States Department of Justice, Antitrust Division.

2. I verify that authorized employees and counsel for the United States assembled the facts stated herein; and that the facts herein are true and correct to the best of my knowledge, information, and belief.

3. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C. on _____, 1994.

JESSICA N. COHEN