## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

| In re: Evanston Northwestern Healthcare<br>Corporation Antitrust Litigation | )                         |
|---|---------------------------|
| This Document Relates To:   | )<br>) Judge Lefkow       |
| All Actions   | ) Magistrate Judge Denlow |

## PLAINTIFFS' MOTION TO EXCLUDE THE EXPERT OPINION OF MONICA NOETHER

Plaintiffs respectfully request the Court enter an Order excluding the opinions of Defendant's expert economist, Dr. Monica Noether. The bases for this Motion are set forth in Plaintiffs' Memorandum of Law in Support of Their Motion to Exclude the Expert Opinion of Monica Noether. As explained therein, Dr. Noether's opinions do not meet the standards of admissibility established in Federal Rule of Evidence 702, and by the Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999).

WHEREFORE, for the reasons stated above, and for all of the reasons set forth in Plaintiffs' accompanying Memorandum of Law, Dr. Noether's opinions should be excluded.

A motion to file Plaintiffs' supporting Memorandum of Law under seal has been filed contemporaneously with this motion and a redacted public version will be filed in three business days in accordance with the Stipulated Protective Order Governing Confidential Information (Dkt. No. 93) and the Additional Stipulated Protective Order Governing Confidential Information of Objecting Third Parties (Dkt. No. 225).

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Dated: December 9, 2009 Respectfully submitted,

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