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

In re: Evanston Northwestern Healthcare Corporation Antitrust Litigation) Master File No. 07 C 4446
This Document Relates To:	Judge Chang) Magistrate Judge Denlow
All Actions)) _)

PLAINTIFFS' MOTION FOR ENTRY OF ORDER CERTIFYING CLASS IN ACCORDANCE WITH THE SEVENTH CIRCUIT OPINION

Plaintiffs hereby move this Court for entry of an order certifying Plaintiffs' proposed class in accordance with *Messner v. NorthShore Univ. HealthSystem*, 669 F.3d 802 (7th Cir. 2012), *reh'g denied*, 2012 U.S. App. LEXIS 4778 (Feb. 28, 2012).

As more fully explained in Plaintiffs' accompanying Memorandum of Law, the Seventh Circuit vacated the District Court's denial of class certification, and specifically found Rule 23(b)(3)'s predominance requirement satisfied. 669 F.3d at 826. The Seventh Circuit also noted that the District Court had previously found that the Plaintiffs satisfied the four elements of Rule 23(a) and remanded this action back to this Court to conduct "further proceedings consistent with this opinion." 669 F.3d at 826. While the District Court did not make a finding concerning Rule 23(b)(3)'s superiority requirement, the Seventh Circuit stated that this final prong "likely poses no serious obstacle to class certification here." *Id.* at 814, n.5. Because Plaintiffs meet the superiority requirement, this Court should enter an order certifying the class.

WHEREFORE, for the reasons stated above and in the accompanying Memorandum of Law, Plaintiffs respectfully request that this Court: (i) find that Plaintiffs satisfy the superiority requirement of Rule 23(b)(3); (ii) certify this case for class treatment pursuant to Fed. R. Civ. P. 23(b)(3); (iii) appoint Plaintiffs as the representative Plaintiffs of the Class; (iv) appoint Plaintiffs' counsel as counsel for the Class pursuant to Fed. R. Civ. P. 23(g); (v) direct that notice be disseminated to members of the Class; and (vi) grant such other and further relief deemed just and appropriate.

Dated: April 4, 2012 Respectfully submitted,

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