

Exhibit A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA and
STATE OF MICHIGAN,

Plaintiffs,

v.

HILLSDALE COMMUNITY HEALTH
CENTER, W.A. FOOTE MEMORIAL
HOSPITAL d/b/a ALLEGIANCE
HEALTH, COMMUNITY HEALTH
CENTER OF BRANCH COUNTY, and
PROMEDICA HEALTH SYSTEM, INC.,

Defendants.

Case No.: 5:15-cv-12311
District Judge Judith E. Levy

**DEFENDANT ALLEGIANCE HEALTH'S OBJECTIONS AND ANSWERS
TO FIRST SET OF REQUESTS FOR ADMISSION**

Defendant W.A. Foote Memorial Hospital d/b/a Henry Ford Allegiance Health ("Allegiance"), by and through its undersigned counsel, and pursuant to Federal Rules of Civil Procedure 26 and 36, provides the following objections and answers in response to Plaintiffs' First Set of Requests for Admissions (the "Requests").

GENERAL STATEMENT AND OBJECTIONS

The following responses are based upon information presently available to Allegiance and are made without prejudice to the right to utilize subsequently

discovered facts or witnesses or documents or things or legal arguments. Allegiance specifically reserves the right to modify and/or supplement these discovery responses if and to the extent required or permitted under the Federal Rules of Civil Procedure.

Allegiance further objects to Requests Nos. 1-13, 20-22, 24-26, 31, 37, 38, 42-44 as disproportionately burdensome to answer because the requests are not limited to any time period, much less any relevant time period, and the entities that are the subject of these requests have been in operation for almost 100 years.

The continuing and specific objections of Allegiance to the Requests are subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections and grounds which would require the exclusion of any evidence disclosed herein if the evidence were produced and sought to be introduced into evidence in Court.

SPECIFIC OBJECTIONS AND ANSWERS

Request for Admission No. 1: Admit that HCHC operates the only general acute-care hospital in Hillsdale County.

Response:

Admitted for the time period from 2009 to the date of the filing of the Complaint; however, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period during (approximately 100 years) during which HCHC has been in operation and therefore cannot admit or deny the Request.

Request for Admission No. 5: Admit that for services Allegiance and HCHC both offer, Allegiance offers better patient care than HCHC.

Response:

Allegiance has made reasonable inquiry and the information it knows or can readily obtain is insufficient to enable it to admit or deny this Request because the quality of patient care is subjective and incapable of precise measurement, and, moreover, the Request is not restricted as to time period.

Request for Admission No. 6: Admit that for services Allegiance and HCHC both offer, Allegiance has higher quality physicians than HCHC.

Response:

Allegiance has made reasonable inquiry and the information it knows or can readily obtain is insufficient to enable it to admit or deny this Request because the quality of physicians is subjective and incapable of precise measurement, and, moreover, the Request is not restricted as to time period.

Request for Admission No. 7: Admit that marketing is an important tool that Allegiance uses to compete for patients.

Response:

Admitted for the time period from 2009 to the date of the filing of the Complaint; however, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period (approximately 100 years) during which Allegiance has been in existence and therefore cannot admit or deny the Request.

Request for Admission No. 8: Admit that marketing is an important tool through which Allegiance seeks to increase its patient volume and market share.

Response:

Admitted for the time period from 2009 to the date of the filing of the Complaint; however, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period (approximately 100 years) during which Allegiance has been in existence and therefore cannot admit or deny the Request.

Request for Admission No. 9: Admit that Allegiance markets its hospital and physician services to inform patients, physicians, and employers about its quality and scope of services.

Response:

Admitted for the time period from 2009 to the date of the filing of the Complaint; however, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period (approximately 100 years) during which Allegiance has been in existence and therefore cannot admit or deny the Request.

Request for Admission No. 10: Admit that Allegiance's marketing includes advertisements through mailings and media such as local newspapers, radio, television, and billboards.

Response:

Allegiance admits that, for the period from 2009 to the date of the filing of the Complaint, its marketing has included, but is not limited to, advertisements through mailings and media such as local newspaper, radio, television and billboards. However, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period (approximately 100 years) during which Allegiance has been in existence and therefore cannot admit or deny the Request.

Request for Admission No. 11: Admit that Allegiance's marketing includes the provision of free medical services, such as health screenings, physician seminars, and health fairs.

Response:

Allegiance admits that, for the period from 2009 to the date of the filing of the Complaint, its marketing has included the provision of free medical services, such as health screenings, physician seminars, and health fairs. However, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period (approximately 100 years) during which Allegiance has been in existence and therefore cannot admit or deny the Request.

Request for Admission No. 12: Admit that Allegiance markets to physicians through educational and relationship-building meetings that provide physicians with information about its quality and range of services.

Response:

Allegiance admits that, for the period from 2009 to the date of the filing of the Complaint, it has marketed to physicians through educational and relationship-building meetings that provide physicians with information about its quality and range of services. However, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period (approximately 100 years) during which Allegiance has been in existence and therefore cannot admit or deny the Request.

Request for Admission No. 13: Admit that Allegiance engages in the marketing activities described in Requests for Admission Nos. 11 and 12 with employers.

Response:

Allegiance admits that, for the period from 2009 to the date of the filing of the Complaint, it has engaged in the marketing activities described in Requests for Admission Nos. 11 and 12 with employers. However, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period (approximately 100 years) during which Allegiance has been in existence and therefore cannot admit or deny the Request.

Request for Admission No. 14: Admit that since 2009 Allegiance has had at least 12 employees in its Marketing and Communications department.

Response:

Given the Request's overbroad definition of "Allegiance," it is admitted.

Request for Admission No. 15: Admit that since 2009 Allegiance has devoted at least \$1.5 million annually to marketing.

Response:

Given the Request's overbroad definition of "Allegiance," it is admitted.

terms "specific" and "campaign" in this context are vague and ambiguous with respect to which marketing activities are the subject of the Request, and also ambiguous as to whether the phrase "at least" seeks an answer based on the use of marketing campaigns continually from 2009 to the present.

Request for Admission No. 24: Admit that HCHC's Chief Executive Officer has contacted Allegiance multiple times about Allegiance marketing in Hillsdale County.

Response:

For the time period from 2009 to the date of the filing of the Complaint, Allegiance has made reasonable inquiry and is not aware of more than one instance in which HCHC's Chief Executive Officer contacted Allegiance about Allegiance marketing in Hillsdale County; however, for the period prior to 2009, Allegiance lacks sufficient information with respect to the entire time period (approximately 100 years) during which Allegiance has been in existence and therefore cannot admit or deny the Request.

Request for Admission No. 25: Admit that HCHC's Chief Executive Officer has contacted Allegiance to complain about Allegiance marketing in Hillsdale County.

Response:

Admitted.

Request for Admission No. 26: Admit that besides HCHC's Chief Executive Officer, no other Chief Executive Officers have contacted Allegiance to complain about Allegiance marketing.

Response:

Allegiance has made reasonable inquiry and the information it knows or can readily obtain is insufficient to enable it to admit or deny this Request because it is not limited by any time period, despite the fact Allegiance has been in existence approximately 100 years, and because the phrase "Chief Executive Officers" is not limited in any way (such as by company or industry).

Request for Admission No. 27: Admit that in or around October 2009, Allegiance's then-Vice President of Marketing, Anthony Gardner, apologized in

writing to HCHC CEO Duke Anderson for marketing materials that were sent to Hillsdale County residents.

Response:

Admitted.

Request for Admission No. 28: Admit that in or around October 2009, Allegiance's then-Vice President of Marketing, Anthony Gardner, apologized in writing to HCHC CEO Duke Anderson for marketing materials sent to Hillsdale County residents, at the direction of Allegiance CEO Georgia Fojtasek.

Response:

Allegiance admits that, in or around October 2009, Anthony Gardner, at the direction of Georgia Fojtasek, apologized in writing to Duke Anderson for marketing materials sent to Hillsdale County residents.

Request for Admission No. 29: Admit that in 2009, Allegiance CEO Georgia Fojtasek communicated with HCHC CEO Duke Anderson that Allegiance would take a "Switzerland" approach towards HCHC.

Response:

Because Allegiance took a "Switzerland" approach with all of its competitors, Allegiance admits that Georgia Fojtasek communicated with HCHC CEO Duke Anderson that Allegiance would take a "Switzerland" approach towards HCHC as well.

Request for Admission No. 30: Admit that since at least 2009, multiple Allegiance employees have referred to an "agreement" or a "gentleman's agreement" with HCHC and/or HCHC CEO Duke Anderson regarding marketing.

Response:

While Allegiance denies the existence of the agreement, Allegiance admits that multiple Allegiance employees have referred to an "agreement" or a "gentleman's agreement" with HCHC and/or HCHC CEO Duke Anderson regarding marketing in internal Allegiance communications.