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| IN RE CERTIFICATE OF NEED | : | STATE OF CONNECTICUT |
| APPLICATION BY A JOINT VENTURE | : | |
| OF GREATER WATERBURY HEALTH | : | DEPARTMENT OF PUBLIC HEALTH |
| NETWORK, INC. AND VANGUARD | : | OFFICE OF HEALTH CARE ACCESS |
| HEALTH SYSTEMS, INC. | : | DOCKET NO. 13-31838-CON |
| | : | |
| | : | OFFICE OF ATTORNEY GENERAL |
| | : | DOCKET NO. 13-486-01 |
| | : | |
| | : | NOVEMBER 3, 2014 |

**APPLICANTS' MOTION TO STRIKE PRE-FILED TESTIMONY
OF LAUREN M. BATES FROM THE RECORD**

The Greater Waterbury Health Network, Inc. ("GWHN") and Vanguard Health Systems, Inc. ("Vanguard") (collectively the "Applicants") hereby move to strike the pre-filed testimony of Lauren M. Bates ("Bates"), dated October 15, 2014, filed on behalf of Connecticut Health Care Associates ("CHCA") [Exhibit CCCC] ("Bates Testimony") in this proceeding on GWHN and Vanguard's joint application for a Certificate of Need ("CON Application"). The prefile testimony was filed late on the morning of the hearing in contradiction to the OAG and OHCA order that the prefile be due by October 6, 2014. More importantly, pursuant to Regulations of Connecticut State Agencies § 19a-9-29(e), pre-filed written testimony may be received into evidence only if the witness is present, adopts the testimony under oath and is available for cross examination. Bates was not present at the hearing on the CON Application on Wednesday, October 15, 2014.

I. The Bates Testimony Should Be Stricken from the Table of the Record

On September 29, 2014, the Office of the Attorney General (“OAG”) issued its Ruling on a petition filed by CHCA to be designated as an intervenor (“OAG Ruling”). The OAG designated CHCA an intervenor with full rights of cross-examination, including that CHCA has the right to cross-examine the Applicant’s witnesses and may be cross-examined by the Applicants. Similarly, on September 30, 2014, the Office of Health Care Access (“OHCA”) issued its Ruling on a petition piled by CHCA to be designated as an intervenor (“OHCA Ruling”). The OHCA designated CHCA as an intervenor with full rights of cross-examination, including that CHCA has the right to cross-examine the Applicant’s witnesses and may be cross-examined by the Applicants. Both the OAG Ruling and the OHCA Ruling permitted CHCA to submit pre-filed testimony. The Bates Testimony was filed on behalf of CHCA.

Regulations of Connecticut State Agencies § 19a-9-29(e) permits parties and intervenors to a hearing to submit pre-filed testimony. Pursuant to Regulations of Connecticut State Agencies § 19a-9-29(e), “[s]uch prefiled written testimony may subsequently be received in evidence, with the same force and effect as though it were stated orally by the witness who has given the evidence, provided that each witness shall be present at the hearing at which the prefiled written testimony is offered, shall adopt the written testimony under oath and shall be available for cross examination as directed by the presiding officer.”

Bates, however, was not present at the hearing on October 15, 2014 and thus unable to adopt the Bates Testimony under oath. Further, due to her absence from the hearing, Bates was not available for cross-examination regarding her pre-filed testimony. In light of the failure to

comply with requirements of the Regulations of Connecticut State Agencies necessary for pre-filed testimony to be received in evidence, the Bates Testimony should be stricken from the hearing record.

II. Conclusion

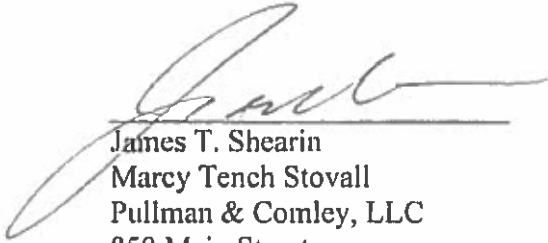
For the foregoing reasons, the Applicants respectfully request that the Bates Testimony be stricken from the hearing record in this proceeding for lack of compliance with Regulations of Connecticut State Agencies § 19a-9-29(e).

RESPECTFULLY SUBMITTED,



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CERTIFICATION

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