

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)
)
North Texas Specialty Physicians,)
Respondent.)
)

Docket No. 9312

SCHEDULING ORDER

- December 9, 2003 - Complaint Counsel provides preliminary witness list (not including experts) with description of proposed testimony.
- December 16, 2003 - Respondent's Counsel provides preliminary witness lists (not including experts) with description of proposed testimony.
- December 30, 2003 - Deadline for issuing document requests, requests for admission, interrogatories and subpoenas *duces tecum*, except for discovery for purposes of authenticity and admissibility of exhibits.
- January 6, 2004 - Complaint Counsel provides expert witness list.

expert report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondent's expert reports. If material outside the scope of fair rebuttal is presented, Respondent will have the right

April 2, 2004

- Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.

April 2, 2004

- Deadline for filing responses to motions *in limine* and motions to strike.

April 7, 2004

Complaint Counsel files pre-trial brief to include proposed findings of

fact and conclusions of law. To the extent possible, findings of fact shall be supported by document citations and/or deposition citations. Conclusions of law shall be supported by legal authority.

April 10, 2004

Final proposed court report on ALL objections to final

ADDITIONAL PROVISIONS

1. Pursuant to Rule 3.21(c)(2), extensions or modifications to these deadlines will be made only upon a showing of good cause.

2. Service of all papers filed with the Commission shall be made on opposing counsel and

interrogatories, and a total of 50 requests for admissions, except that there shall be no limit on the number of requests for admission for authentication and admissibility of exhibits. There is no limit to the number of sets of discovery requests the parties may issue, so long as the total number of each type of discovery request, including all subparts, does not exceed these limits. Additional discovery may be permitted only for good cause upon application to and approval by the Administrative Law

~~7. The parties shall serve upon one another, at the time of issuance, copies of all subpoenas~~

within 20 days of service. Objections to document requests, interrogatories, and requests for admission shall be due within 10 days of service.

6. The deposition of any person may be recorded by videotape, provided that the deposing party notifies the deponent and all parties of its intention to record the deposition by videotape at least five days in advance of the deposition.

7. The parties shall serve upon one another, at the time of issuance, copies of all subpoenas *duces tecum* and subpoenas *ad testificandum*. Counsel scheduling depositions shall immediately

At the time an expert report is produced, the listing party will provide to the other party all

case.

Each expert report shall include the subject matter on which the expert is expected to testify and the substance of the facts and opinion to which the expert is expected to testify and a summary of the grounds of each opinion.


11. Applications for the issuance of subpoenas commanding a person to attend and give testimony at the adjudicative hearing must comply with 16 C.F.R. § 3.34, must demonstrate that the

list of exhibits would begin CX-1, CX-3, and CX-5. This method of numbering exhibits for trial is acceptable, as long as the party also prepares a list of its exhibits indicating that CX-2, CX-4, and CX-6 were never designated as trial exhibits. Using this example, in preparing the set of original exhibits to give to the court reporter, Complaint Counsel must indicate that CX-2, CX-4, and CX-6 were never designated as trial exhibits by inserting in their place a piece of paper or tab indicating the appropriate number.

18. At the final pre-hearing conference, counsel will be required to introduce all exhibits they intend to introduce at trial. Counsel will also be required to give the originals of exhibits to the

court reporter, which the court reporter will keep.

ORDERED:


D. Michael Chappell
Administrative Law Judge

Date: October 16, 2003