

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

In the Matter of  
  
NORTH TEXAS SPECIALTY PHYSICIANS,  
a corporation.

**DOCKET NO. 9312**

**COMPLAINT COUNSEL'S OPPOSITION TO  
RESPONDENT'S MOTION TO QUASH DEPOSITIONS**

On November 11, 2003, Respondent filed an expedited motion for a protective order and to stay depositions, or in the alternative to quash depositions. (Expedited Motion of North Texas Specialty Physicians and Southwest Neurological Associates For a Protective Order and to Stay Depositions, or in the Alternative, Motion to Quash Depositions (filed Nov. 11, 2003)). On November 12, 2003, this Court ordered Complaint Counsel to respond to the expedited motion for a protective order and to stay           otion

order a

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<sup>2</sup> Respondent merely notes the Commission’s pre-complaint investigation and claims that Respondent’s interrogatories would “allow NTSP to gain knowledge regarding the specific facts that form the basis of the complaint’s general allegations.”

<sup>3</sup> Complaint Counsel has since produced most of the third party documents referred to in Respondent’s motion. Respondent also made certain objections relating to the scheduling

however, provided extensive case law showing that contention interrogatories are typically not permitted until the end of fact discovery.

In addition to opposing Respondent's attempt to condition our right to conduct fact discovery on the provision of responses to its contention interrogatories, Complaint Counsel has objected to the contention interrogatories themselves on several grounds, including Complaint Counsel's position that such interrogatories are premature at this early stage of the Court-ordered fact discovery process. Respondent made a motion to compel responses to the contention interrogatories, and Complaint Counsel filed its response on November 17, 2003. *See* Complaint Counsel's Opposition to Respondent's Motion to Compel Interrogatory Responses (filed Nov. 17, 2003) (Attachment C).

For the reasons set forth above, and the reasons provided in Complaint Counsel's November 13 and November 17, 2003 responses, Complaint Counsel respectfully requests that this Court deny Respondent's motion to quash depositions, and permit Complaint Counsel to continue to develop the factual record in this case through these depositions.

Dated: November 19, 2003

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I, Christine Rose, hereby certify that on November 19, 2003, I caused a copy of the foregoing document to be served upon the following persons:

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Hon. D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
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