

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

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

DOCKET NO. 9312

**COMPLAINT COUNSEL'S OBJECTIONS TO RESPONDENT
NORTH TEXAS SPECIALTY PHYSICIANS' SECOND REQUEST TO
COMPLAINANT FOR COMPLAINANT FOR**

of the Federal Trade Commission including, but not limited to, the work product doctrine, the government informant privilege, and the deliberative process privilege, and on the confidentiality rights of third parties that are uninvolved in this action.

Complaint Counsel further objects to this Request for Production insofar as the phrase “that relate to NTSP” is vague and ambiguous. Insofar as respondent may intend that phrase to embrace, for example, documents gathered in other Federal Trade Commission investigations of price-fixing by or through other physician organizations, those documents are not relevant, or their marginal relevance is plainly outstripped by the burden of examining numerous and extensive other Commission investigative files and the deleterious impact that the disclosure of materials from those files might have on the Commission’s ability to conduct investigations in the future. If Respondent (or Complaint Counsel, for that matter) wishes to obtain information or adduce evidence relating to the behavior of other Texas physician organizations, they can do so directly by conducting discovery of those organizations, without implicating the privileges of the Commission or the confidentiality interests of third parties.

Complaint Counsel also objects to this Request for Production in that Complaint Counsel’s production would be duplicative of productions already made or to be made under Judge Chappell’s Scheduling Order. Complaint Counsel has several times informed counsel for Respondent that Complaint Counsel promptly will produce all documents obtained from third parties in connection with this adjudicative proceeding. We have done so, and will continue to do so as provided in Judge Chappell’s Scheduling Order. Finally, Complaint Counsel has informed Respondent’s counsel that, except where it already is in the process of producing those documents to respondent, complaint counsel has not used, nor will it use, documents, or

information obtained from documents, produced in investigations of other physician organizations.

Dated: _____, 2003

Respectfully submitted,

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