

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

IN THE MATTER OF  
NORTH TEXAS S

4. NTSP objects to Definition/Instruction M because it is vague and ambiguous.

#### **RESPONSES TO REQUESTS FOR ADMISSION**

1. Admit that the first “Annual Poll,” as that phrase is used in Fax Alert 62 of September 14, 2001, bearing Bates Number NTSP 014913, conducted by or for NTSP took place in, whole or in part, in September 2001.

**RESPONSE:** Denied.

2. Admit that each “Annual Poll,” as that phrase is used in Fax Alert 62 of September 14, 2001, bearing Bates Number NTSP 014913, conducted by or for NTSP was conducted via “Fax Alert.”

**RESPONSE:** Respondent cannot truthfully admit or deny this request for admission because Respondent does not have sufficient information or knowledge. Respondent has made a reasonable inquiry and the information known to or readily obtainable by Respondent is insufficient to enable it to admit or deny this request for admission.

3. Admit that each survey, poll, or other means through which NTSP solicited or obtained information from participating physicians relating to physician compensation for the provision of future fee-for-service medical services, other than “Annual Polls” as that phrase is used in Fax Alert 62 of September 14, 2001, bearing Bates Number NTSP 014913, pertained to a specific payor(s) identified in the survey, poll, or other means through which NTSP solicited, or related communications.

**RESPONSE:** Denied.

4. Admit that each survey, poll, or other means through which NTSP solicited or obtained information from participating physicians relating to physician compensation for the provision of future fee-for-service medical services, other than “Annual Polls” as that phrase is used in Fax Alert 62 of September 14, 2001, bearing Bates Number NTSP 014913, was conducted via “Fax Alert.”

**RESPONSE:** Respondent cannot truthfully admit or deny this request for admission because Respondent does not have sufficient information or knowledge. Respondent has made a

reasonable inquiry and the information known to or readily obtainable by Respondent is insufficient to enable it to admit or deny this request for admission.

5. Admit that in each instance in which NTSP disseminated to participating physicians information concerning the mean, median, mode, and distribution of physician responses to an "Annual Poll," as that phrase is used in Fax Alert 62 of September 14, 2001, bearing Bates Number NTSP 014913, each such calculation was based on the midpoints of each "minimum acceptable range" identified by or for participating physicians (*e.g.*, the midpoints of each participating physician's specified minimum acceptable range of compensation were summed and then divided by the number of responses to yield the mean).

**RESPONSE:** Respondent cannot truthfully admit or deny this request for admission because Respondent does not have sufficient information or knowledge regarding the proposition stated in the request for admission. Respondent has made a reasonable inquiry and the information known to or readily obtainable by the party is insufficient to enable it to admit or deny this request for admission.

6. Separately for each year from 1995 to the present, admit that NTSP established "Contracted Minimums" as that phrase is used in Fax Alert 62 of September 14, 2001, bearing Bates Number NTSP 014913, whether or not referred to as "Contracted Minimums."

**OBJECTION:** NTSP objects to this request for admission because it is an interrogatory. NTSP further objects because it is vague and ambiguous. **RESPONSE:** Denied.

7. Separately for each year from 1995 to the present, admit that NTSP utilized minimum contract prices or "Contracted Minimums . . . when negotiating managed care contracts on behalf of its participants," as described in Fax Alert 62 of September 14, 2001, bearing Bates Number NTSP 014913, whether or not referred to as "Contracted Minimums."

**OBJECTION:** NTSP objects to this request for admission because it is an interrogatory. NTSP further objects because it is vague and ambiguous. **RESPONSE:** Denied.

8. Admit that in response to the concerns of several [NTSP] members, NTSP established

Respectfully submitted,

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**ATTORNEYS FOR NORTH TEXAS  
SPECIALTY PHYSICIANS**

**CERTIFICATE OF SERVICE**

I, Gregory D. Binns, hereby certify that on January \_\_\_\_, 2004, I caused a copy of the foregoing to be served upon the following persons by First Class mail, e-mail, and/or by Federal Express:

Michael Bloom  
Senior Counsel  
Federal Trade Commission  
Northeast Region  
One Bowling Green, Suite 318  
New York, NY 10004

Office of the Secretary  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue NW  
Washington, D.C. 20580

Hon. D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
Room H-104  
600 Pennsylvania Avenue NW  
Washington, D.C. 20580

and by e-mail upon the following: Susan Raitt (sraitt@ftc.gov), and Jonathan Platt (Jplatt@ftc.gov).

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Gregory D. Binns

## VERIFICATION

I, Karen Van Wagner, Executive Director of North Texas Specialty Physicians, have read the foregoing Respondent North Texas Specialty Physicians' Response to Complaint Counsel's