

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

[PUBLIC]



Docket No. 9312

NORTH TEXAS SPECIALTY PHYSICIANS' RESPONSE TO AETNA HEALTH INC.'S MOTION TO  
QUASH, OR, ALTERNATIVELY, LIMIT SUBPOENA *DUCES TECUM*

I.

Background

*duces tecum*

*duces tecum*

II.

Argument and Authorities

- A. Each request is reasonably expected to yield relevant information and is not overly broad in time or scope or unduly burdensome.

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*Id.*

*See*

*See*

*duces tecum*

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*Plant Genetic Sys. v. Northrup King Co.*

*See United States v. Chevron U.S.A., Inc.*

*Mach. Corp.*

*United States v. Int'l Bus.*

1. Request number 1 for documents Aetna has provided to the Federal Trade Commission<sup>9</sup> is highly relevant and not overly broad or unduly burdensome.

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*Covey Oil Co. v. Cont'l Oil Co.*

*Covey Oil Co.*

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*Plant Genetic Sys.*

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**3. Request number 4 for correspondence concerning or relating to NTSP<sup>14</sup> is not overly broad.**

**4. Request number 5 for documents comparing cost or quality of NTSP providers to other providers<sup>15</sup> is not overly broad or unduly burdensome.**

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**5. Request number 6 for documents containing specific facts and figures from contracts with providers<sup>16</sup> is not unduly burdensome.**

**6. Request number 7 for documents comparing costs of health care<sup>17</sup> is not unduly burdensome.**

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**7. Request number 8 for documents establishing geographic service areas<sup>19</sup> is not overly broad.**

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**C. Truly privileged materials are properly withheld as long as Aetna provides a privilege log.**

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*Id.*

*Centurion Indus., Inc.*

*Exxon Chem. Patents, Inc.*

*Grumman Aerospace Corp. v. Titanium Metals Corp.*



E. **Aetna is not entitled to recover its costs of production.**

**III.**

**Conclusion**

*Duces Tecum*

**ATTORNEYS FOR NORTH TEXAS  
SPECIALTY PHYSICIANS**

UNITED STATES OF AMERICA  
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**Order Denying Aetna Health Inc.'s Motion  
to Quash, or, Alternatively Limit Subpoena *Duces Tecum***

I.

*duces tecum*

*tecum*

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*duces*

II.

**CERTIFICATE OF SERVICE**

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