



Material, entered on October 16, 2003 in this case (“Protective Order”) adequately protects

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III.

Discovered by Plaintiff on October 16, 2003 in this case (“Protective Order”) adequately protects

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respondent does not address this argument in its opposition.

The scope of the subpoena is limited to demand production only from Aetna Health Inc.,

protect the confidential documents of third parties through a number of safeguards. Documents produced in compliance with this Order may be designated "Confidential" or "Restricted Confidential - Attorney Eyes Only" pursuant to the Protective Order entered in this case.

[REDACTED]

parties, should be compelled to produce documents obtained from non-parties. *Cf In re Schering-Plough Corp. Patent 0207 (Order on American Home Products Corporation's and Schering*

Plough Corporation's Motion to Compel and on Non-Parties Andrx Pharmaceutical, Inc.'s and

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Respondent, in its supplement filed following the deposition, asserts that Aetna should be compelled to respond to Request Numbers 2 and 3 because Aetna provided claims data to Complaint Counsel and ran an analysis of the data for Complaint Counsel.

Request Numbers 2 and 3 are overbroad in that they seek all documents regardless of

Aetna's request to quash Request Number 5 is denied.

**Request Number 6: Documents sufficient to show the rate paid to each physician**

**provider by Aetna, the period for which that rate was paid, whether the rate was for a risk or non-risk contract, whether the rate was for a HMO or PPO or other contract, who the contracting parties were for the contract setting the rate, and which physicians were**

**covered by such contract.**

Aetna asserts that this request is not limited by geographic scope, is unduly burdensome, and seeks irrelevant information. Further, Aetna asserts, these documents contain some of the most competitively sensitive information that Aetna maintains. Respondent asserts these documents are highly relevant. Respondent further asserts that this request is worded as "documents sufficient to show . . ." and would not be unduly burdensome to produce in summary form.

*The need for this information from competition is not sufficiently demonstrated*

Aetna asserts that this request is overly broad because it is not limited to NTSP's

Dependent upon the Court's decision in the case of the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]