

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



North Texas Specialty Physicians,

)
)

Docket No. 9312

MOTION FOR EXTENSION OF TIME

TO THE HONORABLE JUDGE OF SAID COURT:

[Faint, illegible text, possibly a signature or reference]

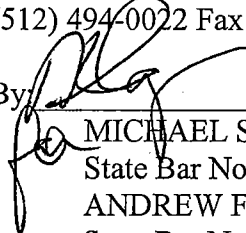
a Saturday and Sunday.

4. Accordingly BCBSTX respectfully requests it be permitted a one week extension to produce the documents responsive to the January 30, 2004 order or to file a motion requesting the ALJ reconsider his determination. Counsel for BCBSTX attempted to contact counsel for Respondent North Texas Specialty Physicians and left a voice-mail message asking whether NTSP would oppose this motion. At the time this motion is being filed, that message has not been returned.

Respectfully submitted,

HULL HENRICKS & MACRAE LLP
Bank One Tower
221 W. 6th Street, Suite 2000
Austin, Texas 78701-3407
(512) 472-4554
(512) 494-0022 Fax

By



MICHAEL S. HULL
State Bar No. 10253400
ANDREW F. MacRAE
State Bar No. 00784510

ATTORNEYS FOR BLUE CROSS
BLUE SHIELD OF TEXAS

UNITED STATES OF AMERICA

In the Matter of)

“Neither my client nor I was aware of the existence of the order on the Motion to Quash

AD/16

SUBSCRIBED AND SWORN to before me by the said Andrew MacRae this 9th day of
February, 2004.

Cynthia Berwick

Notary Public, State of Texas

02/04/04 16:50 FAX 2023262427

ADMIN LAW JUDGES

02/06/04

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

Docket No. 9312

ORDER ON MOTION OF NON-PARTY AETNA HEALTH, INC.

I.

On January 22, 2004, non-party Aetna Health Inc. ("Aetna") filed a motion to quash or to limit the subpoena *duces tecum* served upon it by Respondent in this matter ("motion to quash").

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02/03/04

Material, entered on October 16, 2003 in this case ("Protective Order") adequately protects Astna's confidential and proprietary information.

III.

Discovery sought in a proceeding before the Commission must be "reasonably expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the Commission's enforcement of 16 C.F.R. § 3.31(a)(1): *Federal Trade Commission v. Anderson*,

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ADMIN LAW JUDGES

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Health, Inc., its parents, subsidiaries, affiliates, employees, agents and representatives."
Respondent does not address this argument in its opposition.

3. Confidential documents are discoverable

Aetna asserts that the subpoena requests production of documents containing confidential and commercially sensitive information, including competitively sensitive pricing information

"The fact that discovery might result in the disclosure of sensitive competitive
and Hase Co. 441

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"

In addition, Aetna may file a motion for *in camera* treatment to prevent disclosure to the public of its confidential materials at the trial in this matter. Guidelines for filing applications for *in camera* treatment are set forth in the Protective Order.

4. Time for responding to the subpoena

in order to produce the responsive

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ADMIN LAW JUDGES

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should be compelled to produce documents obtained from non-parties. *Cf In re Schering-*

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Respondent in its supplement filed following the deposition, asserts that Actna should be

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02/04/04

... Request Number 5 is denied.



Federal Trade Commission

FAX Number: 202/326-2427

Federal Trade Commission Cover Sheet

To:	Michael J. Bloom, Esq. - (212) 607-2822 Gregory S.C. Huffman, Esq. - (214) 969-1751 John B. Shely, Esq. - 713/230-4285	Total number of pages sent (including this cover sheet): 9
	Fax number:	
From:	The Office of Judge D. Michael Chappell Telephone: 202/326-3637	Sending Org Code: 1366
		Date: 2/4/04
		Time:

ANDREWS
ATTORNEYS
KURTH LLP

ORIGINAL
1717 Main Street, Suite 3700
Dallas, Texas 75201
214.659.4400 Phone
214.659.4401 Fax

Austin
Houston
Los Angeles
London

From: Kay Lynn Brumbaugh

Employee No.: 09751

FEB 03 '04 07:50PM AETNA L&RA

NEW YORK

P.2/10

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

North Texas Specialty Products

secrets; and (3) the scope and short time frame for response make compliance impossible.

Respondent asserts that

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Counsel is not unreasonable. Unless a request for production indicates otherwise, the period of time for which documents should be produced is January 1, 1998 through the present.

2. Definition of BCBSTX

BCBSTX asserts that the subpoena defines BCBSTX as _____

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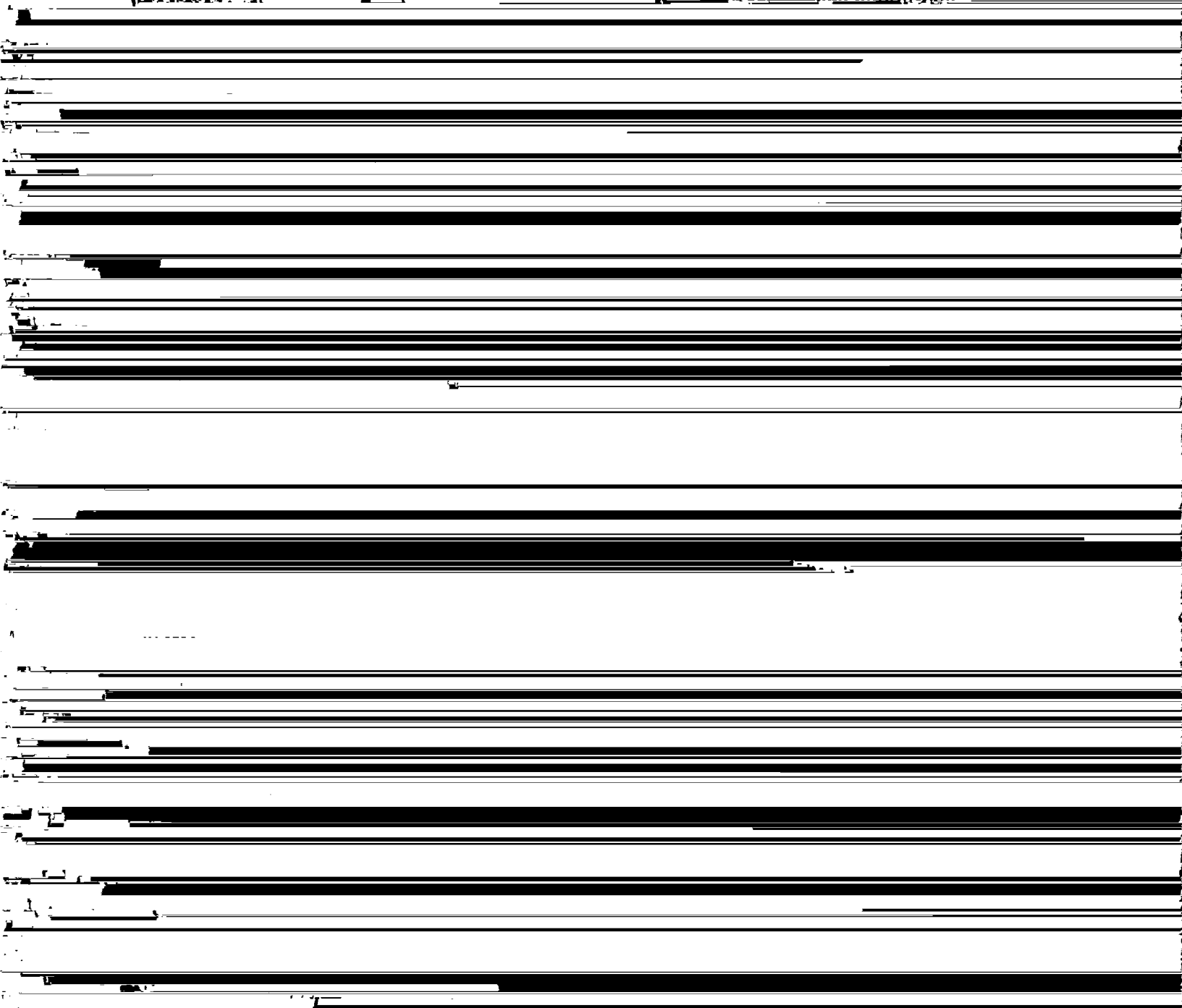
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BCBSTX. In addition, BCBSTX is not required to produce privileged information. If information is withheld, on grounds of privilege or any similar claim, BCBSTX shall submit a schedule of the items withheld which states individually as to each such item the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific grounds for claiming that the item is privileged. See 16 C.F.R. § 3.38A.

4. The Protective Order protects BCBSTX's documents

Pursuant to 16 C.F.R. § 3.31(d)(1), a protective order governing confidential information



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P.6/10

Request Number 1 - Documents

BCBSTX asserts that these documents may be retained from the

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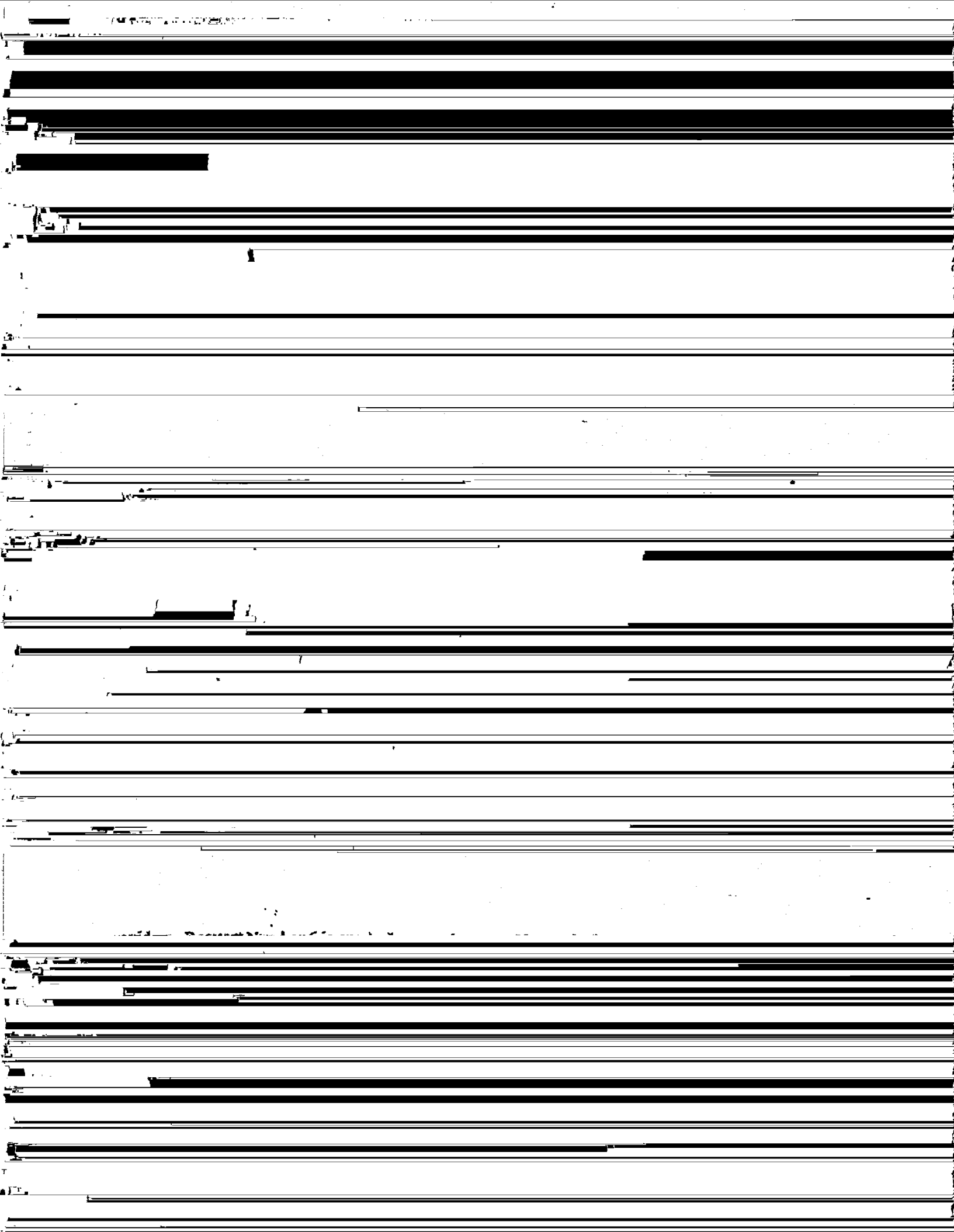
and probably millions." Affidavit of Rich Vaddack Filed January 2, 2014

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P. 8/10

BCBSTX's objection to the scope of years for which documents are requested and its concerns about maintaining the confidentiality of its documents are addressed



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P. 10/10

BCBSTX request to limit Request Number 9 is granted. BCBSTX shall produce only sample contracts for the provision of physician services. BCBSTX may redact financial information from the contracts it produces.

ORDERED:

Dm Chappell
D. Michael Chappell
Administrative Law Judge

Date: January 30, 2004

 **FEDERAL TRADE COMMISSION**

- Exhibit B [PDF 32K]
- Exhibit C [PDF 42K]
- Exhibit D [PDF 195K]
- Exhibit E [PDF 107K]
- Exhibit F [PDF 103K]

January 9, 2004

- Motion to Supplement Filed on Behalf of Blue Cross and Blue Shield of Texas [PDF 1.6M]

January 7, 2004

- Motion to Quash and/or Limit Subpoena Duces Tecum Filed on Behalf of Blue Cross Blue Shield of Texas [PDF 2.4M]

December 30, 2003

- Complaint Counsel's Second Requests for Admissions to Respondent North Texas Specialty Physicians [PDF 241K]

December 18, 2003

- Respondent's Objections and Responses to Complaint Counsel's Requests for Admissions to Respondent North Texas Specialty Physicians [PDF 168K]

December 15, 2003

- Respondent North Texas Specialty Physicians' Preliminary Witness List [PDF 47K]

December 9, 2003

- ALJ's Order on Non-Party Texas Oncology P.A.'s Motion for Protective Order Modifying or Limiting Complaint Counsel's

November 20, 2003

Respondent's First Request for Admissions to Complainant Counsel [PDF 449K]

- Motion of Non-party Texas Oncology, P.A. for Protective Order Modifying or Limiting FTC Subpoena [PDF 1.5M]
- Notice of Appearance Filed by James F. Adams (Passman & Jones, P.C.) on behalf of Texas Oncology, P.A. [PDF 56K]

November 19, 2003

- Complaint Counsel's Opposition to Respondent's Motion to Quash Depositions [PDF 49k]
 - Attachment A [PDF 280K]
 - Attachment B [PDF 349K]
 - Attachment C [PDF 2.4M]

November 17, 2003

Complaint Counsel's Opposition to Respondent's Motion to Quash Depositions [PDF 49k]

October 6, 2003

- Notice of Appearance Filed by Counsel for North Texas Specialty Physicians [PDF 79K]

October 3, 2003

- Notice of Appearance Filed by Counsel Supporting the Complaint on Behalf of the Federal Trade Commission [PDF 60K]

September 22, 2003

- Order Designating D. Michael Chappell as Administrative Law Judge [PDF 26k]

September 17, 2003

- Administrative Complaint

Last Updated: Wednesday, February 4, 2004

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