UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of NORTH TEXAS SPECIALITY PHYSICIANS, a corporation.	Docket No. 9312

COMPLAINT COUNSEL'S RULE 3.24 SEPARATE STATEMENTS OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE

Pursuant to Rule of Practice 3.24, and in support of its motion for summary decision, Complaint Counsel submits this statement of material facts as to which there is no genuine issue.

[redacted]

[redacted]

Grant dep. at 116-17 **[Tab 1]**.

8. [redacted]

[redacted]McCallum dep. at 167-68; Vance dep. at 297 **[Tabs 5 and 6]**.

9. NTSP provided a [redacted]

[redacted]This data shows [redacted]

[redacted]For example, [redacted]

[redacted]

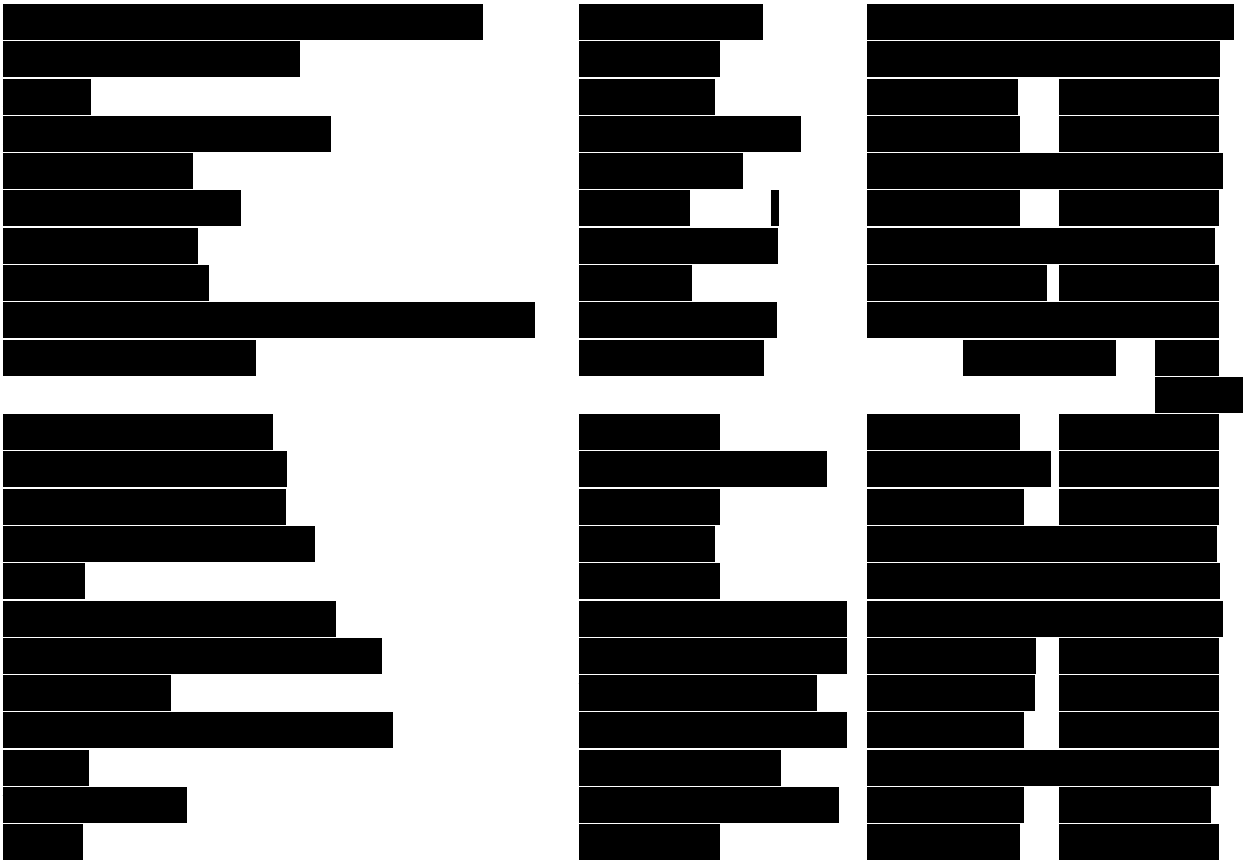

Exhibit 1151 (NTSP 083263-96) **[Tab 28]**.

10. The physician members of NTSP likewise make purchases or use equipment

manufactured or sold outside of Texas. Dr. Jack McCallum, a neurosurgeon who has served as a Board member and Vice President of NTSP, testified that [redacted] He also testified [redacted] McCallum dep. at 162-66 **[Tab 9]**.

11. Dr. Grant, also a Board member, testified that [redacted] Grant dep. at 115-16 **[Tab 10]**.

12. [redacted]

13.. Dr. William Vance, a former President of NTSP, testified that [redacted]. Vance dep. at 300-01 **[Tab 12]**.

B. NTSP is a corporation organized to carry on business for the profit of its members.

14. A major function of NTSP is to enter into contracts with health insurance companies. FTC Ex. 1000 **[Tab 31]** at NTSP 000029, NTSP 00032-34, NTSP 00038-39

15. Dr. Karen Van Wagner testified: [redacted] Van Wagner Investigation Hearing, August 29, 2002 at 10 **[Tab 13]**.

20. Minutes of a 2001 Medical Executive Committee meeting [redacted]. NTSP 045646-48. This document, dated [redacted] **[Tab 52]**

21. Dr. Deas explained [redacted]

26. NTSP provides tangible benefits to its members, such as professional liability insurance, publications, and practice management programs. *See* Deas dep. at 104 **[Tab 21]**.

27. NTSP claims that its activities are intended to improve the efficiency of its participating physicians' individual practices. Report of Robert S. Maness, February 13, 2004 at 39-46.

28. NTSP, though its Board members and officers Dr. Vance and Dr. Deas, has admitted that [redacted]

32. Another NTSP communication to physicians states that [redacted] FTC Exhibit 1063 **[Tab 41]**.

33. Letters from physicians to [redacted] designated NTSP as their agent. FTC-NTSP-[redacted] 000234-273 **[Tab 44]**

34. NTSP terminated its member physicians' participation in the [redacted] arrangements effective on or about December 7, 2000. NTSP 008010-15 **[Tab 46]**.

35. In a fax alert, the NTSP Board informed NTSP members that [redacted]

TABLE OF AUTHORITIES

Cases

Statutes and Regulations

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PROPOSED ORDER

Having considered Complaint Counsel Memorandum in Support of its Partial Summary Decision and the Separate Statement of Material Facts as to Which There is No Genuine Issue,

IT IS HEREBY ORDERED that Complaint Counsel's Motion for Partial Summary Decision is granted.

_____
D. Michael Chappell
Administrative Law Judge

Date:_____