

PUBLIC

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

[REDACTED]

NORTH TEXAS SPECIALTY PHYSICIANS' MOTION *IN LIMINE*

not initially produced to NTSP. Indeed, NTSP did not learn about some analyses until it deposed the third-party payors in late January 2004. Based on these events, NTSP moves *in limine* for an

order that payors refrain from producing evidence from the business

II. ARGUMENT

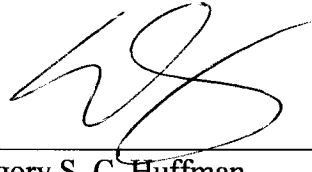
NTSP asks the ALJ to instruct Complaint Counsel, their witnesses, and the third-party payors not to mention, ask any question about, refer to, or discuss any of the following matters:

1. Any and all testimony or evidence regarding claims, cost, or quality data, documents, or information responsive to NTSP's subpoenas duces tecum to the third-party payors that were not produced to NTSP.
2. Any and all testimony or evidence regarding claims, cost, or quality data, documents, or information that the third-party payors provided to Complaint Counsel, but not to NTSP.
3. Any and all testimony or evidence regarding analyses or documents prepared by the third-party payors for Complaint Counsel, when the underlying data or information upon which those analyses or documents are based has not been provided to NTSP.
4. Any and all testimony from a witness that was not properly or timely disclosed on Complaint Counsel's witness list.

FOR THESE REASONS, and those set forth in the accompanying memorandum, NTSP requests that this motion be granted and that the ALJ exclude any and all testimony or evidence referenced above. NTSP also requests all other and further relief to which it may be justly

entitled

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2004, I caused a copy of the foregoing document to be served upon the following persons:

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and by e-mail upon the following: Theodore Z...