



UNITED STATES OF AMERICA

In the Matter of

NORTH TEXAS SPECIALTY PHYSICIANS,  
a corporation.

DOCKET NO. 9312

**COMPLAINT COUNSEL'S OBJECTIONS AND COUNTER DESIGNATIONS**  
**IN RESPONSE TO RESPONDENT'S FIRST SET OF PROPOSITION DESIGNATIONS**

principle that testimony by deposition is less desirable than oral testimony and should ordinarily

be used as a substitute only if the witness is not available to testify in person." Wright & Miller,

2A Fed. Dep. & Dep. Cir. 21 § 2140; *See Herbert D. Gilman, Inc.*, 1979 FTC LEXIS 275 (1979)

1 (May 2, 1979) (Federal Rules of Evidence are "presumptive authority" in FTC proceedings)

**PARTICULAR OBJECTIONS AND COUNTER-DESIGNATIONS**

**Dr. David W. Ellis**    **FTC Counter-Designation**

**FTC Objection**

24:23 - 25:6  
31:6 - 31:11

25:7 - 25:8 (Restricted Confidential)  
31:12 - 31:22 (Restricted Confidential)

Lack of foundation  
Lack of foundation

**Jim C. Mosley**

**FTC Counter-Designation**

**FTC Objection**

78:15 - 78:18  
41:3 - 41:4  
52:22 - 53:19

78:19 - 79:12  
41:22 - 42:1; 44:4 - 45:1  
51:25 - 52:21

Lack of foundation  
Lack of foundation  
Lack of foundation

**David Roberts**

**FTC Counter-Designation**

**FTC Objection**

86:18 - 86:24

86:25 - 87:11

Lack of foundation

**Cherise Webster**

**FTC Counter-Designation**

**FTC Objection**

26:25 - 26:25

1:1 - 1:1

**CERTIFICATE OF SERVICE**

Complaint Council's Objections and Counter Designations in Response to Respondent's First

Set of Deposition Designations and the following responses: