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behalf of its independent physicians constitutes unfair methods of competition in violation of

Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45. Complaint ¶ 45.

claim upon which relief could be granted. See, e.g., *In re the Times-Mirror Co.*, 92 F.T.C. 230, 230 (July 25, 1978); *In re Florida Citrus Mutual*, 50 F.T.C. 959, 961 (May 10, 1954) (ALJ may

Section 3.11(b)(2) of the Commission's Rules of Practice sets forth that the
Commission's complaint shall contain "clear and concise factual statements"

An antitrust plaintiff is not required to plead the particulars of the claim. *Harman*

AAMCO Transmissions, Inc., 33 F.3d 774, 782 (7th Cir. 1994); *Griffiths v. Blue Cross and Blue Shield of Alabama*, 147 F. Supp.2d 1202, 1214 (N.D. Ala. 2001). A “short plain statement of facts”

the proposed relevant market is defined too narrowly. *TV Communications Network, Inc. v.*

Turner Network Television, Inc., 964 F.2d 1022, 1025 (10th Cir. 1992). *Applicant v. [redacted]*

be dismissed where there are no factual allegations from which the relevant market could be

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VI. CONCLUSION

For the above stated reasons, Respondents' motion to dismiss Count II of the Complaint is **DENIED**.

ORDERED:

Stephen M. [Signature]
Stephen M. [Name]

Chief Administrative Judge

Date: June 2, 2004