Docket No. 9312
February 4, 2004

ORDER ON MOTION OF NON-PARTY HUMANA HEALTH PLAN OF TEXAS TO QUASH OR LIMIT SUBPOENA DUCES TECUM

I.

On January 12, 2004, non-party Humana Health Plan of Texas, Inc. ("Humana") filed a motion to quash or to limit the subpoena duces tecum served upon it by Respondent in this matter ("motion to quash"). Respondent North Texas Specialty Physicians ("NTSP") filed its opposition to the motion to quash on January 22, 2004.

For reasons set forth below, the motion to quash is GRANTED IN PART and DENIED IN PART.

Humana shall have 10 calendar days from the date of this order to produce the responsive documents as limited by

Humana raises the following general objections: (1) the length of time for which documents are sought is unduly burdensome; (2) the definition of Humana; (3) the requests seek documents that are confidential and proprietary; (4)

(Publication page references are not available for this document.)

However, Humana is not required to disclose patient information. Information concerning particular patients' names

concerning your business relationships with healthcare providers in the State of Texas.

[redacted]

Humana objects that the phrase concerning or relating to NTSP is vague and ambiguous since the request could be read broadly enough to include all documents regarding this industry or physician provider groups generally. Humana further objects to the request to the extent it calls for attorney- client and/or work product privileged information or materials.

Respondent asserts that a major issue in this case is its conduct towards payors such as Humana and the effect of that conduct in the marketplace. Thus, Respondent asserts, the scope of this request, any correspondence, memoranda, and messages, relating to this conduct, is not over broad. Respondent asserts that Humana should be compelled to produce materials referencing NTSP.

[redacted]

Humana asserts that this request calls for irrelevant information, specifically, it calls for comparisons relating to [redacted]