

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.

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Humana raises the following general objections: (1) the length of time for which documents are sought is unduly

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However Humana is not required to disclose patient information. Information concerning particular patients' na	amec
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concerning your business relationships with healthcare providers in the State of Texas.

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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.

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

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