

ORIGINAL

UNITED STATES OF AMERICA

GENERAL TRADE COMMISSION
RECEIVED DOCUMENTS

Defendants did not present that argument in their Motion even though

Complaint Counsel produced its Supplemental Privilege log on January 18, 2011, containing the

2000).

Complaint Counsel could not have anticipated that Respondents would continue to misrepresent the nature of the litigation brought by California Department of Justice, Office of the Attorney General ("CAAG") against Respondents, and the nature of CAAG's investigation

into the transaction at issue, in light of Ms. Nagler's declaration. Despite Ms. Nagler's declaration avowing that CAAG has not made its decision about the instant transaction

Respondents continue to mislead this Court by failing to disclose that CAAG is not the FTC.

materials generated several months prior to the transaction.⁴ They should not be permitted to have it both ways.

In order for the Court to make a fully informed decision about the merits of Respondents'

Motion, these points need to be addressed and clarified for the Court. Rule 37(d) allows reply

and answer briefs. "In answer to a motion, the party in opposition to the motion must file a brief that

For the foregoing reasons, Complaint Counsel's motion for summary judgment is denied.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

LABORATORY CORPORATION OF

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Docket No. 9345

Respondents.

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COMPLAINT COUNSEL'S MOTION FOR LEAVE TO

BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

**LABORATORY CORPORATION OF
AMERICA, et al.,**

Respondents.

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Docket No. 9345

PUBLIC

COMPLAINT COUNSEL'S MOTION FOR LEAVE TO

FILE A REPLY TO RESPONDENTS'

**SUPPLEMENTAL BRIEF IN FURTHER SUPPORT
OF THEIR MOTION TO COMPEL DOCUMENT PRODUCTION**

EXHIBIT B

LABORATORY CORP OF AMERICA HOLDINGS (LH)

10-K

Annual report pursuant to section 13 and 15(d)

Filed on 03/01/2011

Filed Period 12/31/2010



THOMSON REUTERS



Westlaw

All of the Company's primary laboratory facilities have been built or improved for the single purpose of providing clinical laboratory testing services. The Company believes that these facilities are suitable and adequate and have sufficient production capacity for its currently foreseeable level of operations. The Company believes that if it were unable to renew a lease or if a lease were to be terminated on any of the facilities it presently leases, it could find alternate space at competitive market rates and readily relocate its operations to such new locations without material disruption to its operations.

Item 3. LEGAL PROCEEDINGS

The Company was a party in a patent case originally filed by Competitive Technologies, Inc. and Metabolite Laboratories, Inc. in the United States District

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In addition, the Company has received three other subpoenas since 2007 related to Medicaid billing. In June 2010, the Company received a subpoena from the State of Florida requesting documents related to the billing of Florida Medicaid from 2008 to 2009.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

UNITED STATES OF AMERICA

In the Matter of

LABORATORY CORPORATION OF
AMERICA, et al.,

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EXHIBIT C

Excerpts from Respondents' Partial Privilege Log

AC	N
AC	Y
AC	N
AC	N
AC	N
AC	Y
AC	N
AC	N
AC	N
AC	N



CERTIFICATE OF SERVICE

I certify that I filed via hand delivery an original with signature and one paper copy and

a .pdf via electronic mail that is a true and correct copy of the paper original of the foregoing
Complaint Counsel's Motion for Leave to File a Reply to Respondents' Supplemental Brief in

Further Support of their Motion to Compel Document Production with:

Donald S. Clark
Secretary

Federal Trade Commission
600 Pennsylvania Avenue, N.W., Rm. H-159