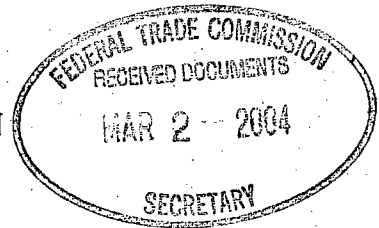


UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



In the Matter of
NORTH TEXAS SPECIALITY PHYSICIANS,
a corporation.

Docket No. 9312

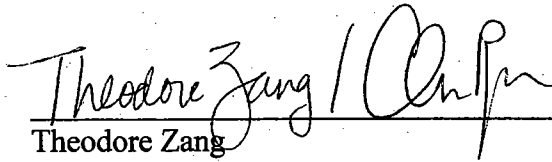
COMPLAINT COUNSEL'S MOTION FOR PARTIAL SUMMARY DECISION

Complaint Counsel respectfully moves for partial summary decision in this action pursuant to Rule of Practice 3.24, to establish that as a matter of law the actions of NTSP are within the jurisdiction of the Federal Trade Commission. For the reasons set forth in the accompanying memorandum, this motion should be granted for two reasons. First, the undisputed evidence demonstrates that NTSP is subject to the Commission's jurisdiction under the Federal Trade Commission Act because its actions affected interstate commerce. Secondly, the Commission has jurisdiction over NTSP because its actions were the acts of an association "organized to carry on business for its own profit or that of its members," and the participating physicians in NTSP are "members" of NTSP as that term is used in the Federal Trade Commission Act. Accordingly, Complaint Counsel respectfully submits that there are no genuine issues of fact on these two points, and thus a summary decision is appropriate in this action.

For these reasons, and those set forth in the accompanying memorandum, Complaint Counsel respectfully requests that the Administrative Law Judge enter an order finding that the conduct of NTSP is within the jurisdiction of the Federal Trade Commission Act. In the

alternative, Complaint Counsel respectfully requests that the Administrative Law Judge enter an order specifying the facts that appear without substantial controversy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Theodore Zang / Alan Loughnan", written over a horizontal line.

Theodore Zang
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Dated: March 2, 2004