

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

COMMISSIONERS: Deborah Platt Majoras, Chairman
Orson Swindle
Thomas B. Leary
Pamela Jones Harbour
Jon Leibowitz

In the Matter of

North Texas Specialty Physicians,
a corporation.

Docket No. 9312

**RESPONDENT’S MOTION FOR EXTENSION OF WORD COUNT LIMITS
[EXPEDITED CONSIDERATION REQUESTED]**

Respondent North Texas Specialty Physicians (“NTSP”) hereby moves the Commission for an extension of the word count limits set by Commission Rule of Practice 3.52 (16 C.F.R. §3.52).

Administrative Law Judge Chappell, in finding that there were extraordinary circumstances warranting an extension of time for issuing the Initial Decision in this matter, that “nearly 1,500 exhibits were admitted, 17 witnesses testified, either live or by videotape, and there are 2,958 pages of trial transcript.” The large amount of evidence is reflected in Judge Chappell’s 97-page Initial Decision containing 380 findings of fact.

Due to the volume of the record in this matter, the length of the Initial Decision, and the number of issues involved in the appeal and cross-appeal, Respondent believes that undue prejudice would result to the parties from complying with the word limits established in the rules for standard cases. Respondent also believes that an extension of the word count limits will benefit the Commission in its consideration of the vast factual

record and numerous legal issues before it. Complaint Counsel have authorized us to state that they join in the relief requested in this motion.

Respondent respectfully requests that the word count limits be extended by 30 percent as follows:

Respondent's Initial Brief	24,375 words
Complaint Counsel's Answering Brief and Cross-Appeal Brief	34,125 words
Respondent's Reply Brief	24,375 words
Complaint Counsel's Reply Brief	14,625 words

Dated: December 3, 2004

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2004, I caused a copy of the foregoing document to be served upon the following persons:

Michael Bloom (via Federal Express and e-mail)
Senior Counsel
Federal Trade Commission
Northeast Region
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New York, NY 10004

Barbara Anthony (via certified mail)
Director
Federal Trade Commission
Northeast Region
One Bowling Green, Suite 318
New York, NY 10004

Hon. D. Michael Chappell (2 copies via Federal Express)
Administrative Law Judge
Federal Trade Commission
Room H-104
600 Pennsylvania Avenue NW
Washington, D.C. 20580

Office of the Secretary (original and 12 copies via Federal Express)
Donald S. Clark
Federal Trade Commission
Room H-159
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and by e-mail upon the following: Theodore Zang (tzang@ftc.gov) and Jonathan Platt (jplatt@ftc.gov).

Nicole L. Rittenhouse

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**ORDER GRANTING RESPONDENT’S MOTION FOR
EXTENSION OF WORD COUNT LIMITS**

Respondent has moved that the Commission grant an extension of word count limits for the filing of briefs on the appeal and cross-appeal of this matter. The Commission has determined to grant Respondent’s motion. The word count limits prescribed by the Commission Rules of Practice ordinarily should afford parties to FTC proceedings sufficient space to file pleadings and briefs of sufficient quality and detail to aid in the preparation of Commission opinions and orders. But the vast amount of evidence and legal issues in this appeal may interfere with that process.

Accordingly,

IT IS ORDERED THAT the word limits provided for in Rule 3.52 are extended by 30 percent as follows:

Respondent’s Initial Brief	24,375 words
Complaint Counsel’s Answering Brief and Cross-Appeal Brief	34,125 words
Respondent’s Reply Brief	24,375 words
Complaint Counsel’s Reply Brief	14,625 words

By the Commission.

Donald S. Clark
Secretary

ISSUED: December __, 2004