

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

In the Matter of)
NORTH TEXAS SPECIALTY PHYSICIANS)

) Docket No. 9312
)
)
_____)

**NONPARTY HUMANA HEALTH PLAN OF TEXAS, INC.'S JOINDER IN NONPARTY
PAYORS' JOINT EXPEDITED MOTION TO EXTEND TIME FOR MOTIONS FOR *IN*
CAMERA TREATMENT AND TO ENFORCE THIS COURT'S APRIL 1, 2004 ORDER
REQUIRING NARROWED DOCUMENT DESIGNATIONS**

Nonparty Humana Health Plan of Texas, Inc. ("*Humana*") hereby files its Joinder in Nonparty Payors' Joint Expedited Motion To Extend Time For Motions For *In Camera* Treatment And To Enforce This Court's April 1, 2004 Order Requiring Narrowed Document Designations. In support of this Joinder, Humana respectfully shows the Court as follows:

INTRODUCTION

On April 1, 2004, the Court entered an Order requiring North Texas Specialty Physicians ("NTSP") to narrow its broad document designations to Humana and other Non Party Payors to include only those documents which "represented [NTSP's] counsel's good faith designation of [...] trial exhibits." NTSP's narrowed designations were due on April 7, 2004.

On April 7, 2004 (**however, more than two hours after the close of business that day**), NTSP sent correspondence to counsel for Humana regarding its "narrowed" list of document designations which it intends to offer as exhibits at trial. Attached to NTSP's correspondence purportedly was a narrower list of the Humana documents which NTSP intends to offer as "exhibits" at trial. See NTSP's correspondence and chart, attached hereto and incorporated herein as Exhibit "A."

However, a cursory review of the list of “exhibits” prepared by NTSP indicates that NTSP has simply re-designated every one of the Humana documents that it had included on its previous document designation, with the exception of a single document (HUM 001573-HUM 001579). Clearly, NTSP has wholly failed to make any reasonable or “good faith” effort to narrow its list of Humana document designations.


NTSP’s failures have unduly burdened Humana in its attempts to comply with the current April 12, 2004 deadline to file motions for *in camera* review. Apparently, NTSP’s efforts in providing “narrowed” document designations to other Nonparty Payors, including Cigna Healthcare of Texas, Inc. (“*CIGNA*”), United Healthcare of Texas, Inc. (“*United*”) and Aetna, Inc., have been similarly deficient.

On April 9, 2004, Cigna filed Nonparty Payors’ Joint Expedited Motion To Extend Time For Motions For *In Camera* Treatment And To Enforce This Court’s April 1, 2004 Order Requiring Narrowed Document Designations, requesting, among other things, that the Administrative Law Judge require NTSP: (1) to narrow its designations, as contemplated in the April 1, 2004 Order, so as to include only documents for which NTSP has a good faith basis to believe it will introduce at trial; and (2) to extend the date for the Nonparty Payors to file motions for *in camera* treatment until April 15, 2004.

Humana hereby joins in Nonparty Payors’ Joint Motion, and requests the Administrative Law Judge to grant said Motion and the relief requested therein and enter an Order in the form submitted with said Motion.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By: 

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**ATTORNEYS FOR NONPARTY
HUMANA HEALTH PLAN OF TEXAS, INC.**

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the foregoing instrument was served on the following on April 9, 2004.

Via Federal Express and E-mail
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Via Certified Mail
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Via Hand Delivery and E-Mail
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FEDERAL TRADE COMMISSION
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Via Hand Delivery (2 copies)
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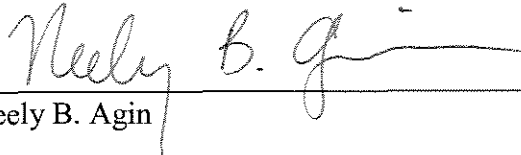
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EXHIBIT A

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DALLAS
FORT WORTH
HOUSTON

ALGIERS
MONTERREY
PARIS
RIO DE JANEIRO

April 7, 2004

VIA FEDERAL EXPRESS

Richard S. Krumholz
Counsel for Humana Health Plan of Texas, Inc.
Fulbright & Jaworski LLP
2200 Ross Avenue, Suite 2800
Dallas, TX 75201

Re: North Texas Specialty Physicians, Docket Number 9312

Dear Mr. Krumholz:

Enclosed are North Texas Specialty Physicians' revised designations of documents it intends to use at the hearing of this matter that have been marked by Humana as confidential discovery material.

These designations have been narrowed in accordance with the Administrative Law Judge's April 1, 2004 order. In a number of instances we were able to eliminate documents which were duplicative or had already been produced by another entity. Pursuant to that order, motions for *in camera* treatment must be filed by April 12, 2004.

Please call if you have any questions.

Sincerely,



Gregory D. Binns

GDB/nlr

Enclosure

007155 000034 DALLAS 1724978.1

HUMANA

EXHIBIT NUMBER	BEGINNING BATES	ENDING BATES
RX2013	HUM000125	HUM000139
RX2010	HUM000001-	HUM000014
RX2011	HUM000041-	HUM000057
RX2012	HUM000075-	HUM000057
RX2014	HUM000140-	HUM000160
RX2015	HUM000161-	HUM000176
RX2016	HUM000193-	HUM000204
RX2017	HUM000205-	HUM000214
RX2018	HUM000249-	HUM000267
RX2019	HUM000268-	HUM000286
RX2020	HUM000287-	HUM000306
RX2021	HUM000307-	HUM000320
RX2022	HUM000321-	HUM000334
RX2023	HUM000335-	HUM000352
RX2024	HUM000353-	HUM000370
RX20	HUM000371-	HUM000390
RX2025	HUM000405-	HUM000498
RX2026	HUM000499-	HUM000590
RX2027	HUM000591-	HUM000684
RX2028	HUM000685-	HUM000703
RX2029	HUM000704-	HUM000720
RX2030	HUM000721-	HUM000721
RX2031	HUM001627-	HUM001626

RX2032	HUM001627-	HUM001627
RX2033	FTC-NTSP-HUMANA000001	FTC-NTSP-HUMANA000116
RX2034	FTC-NTSP-HUMANA000117	FTC-NTSP-HUMANA000179
RX2607	HUM 000722	HUM 000722
RX2508	HUM 000723	HUM 000727
RX2609	HUM 000728	HUM 000732
RX2610	HUM 000733	HUM 000733
RX2611	HUM 000734	HUM 000734
RX2612	HUM 000735	HUM 000735
RX2613	HUM 000736	HUM 000737
RX2614	HUM 000738	HUM 000738
RX2615	HUM 000739	HUM 000740
RX2616	HUM 000741	HUM 000741
RX2617	HUM 000742	HUM 000748
RX2618	HUM 000749	HUM 000749
RX2619	HUM 000750	HUM 000750
RX2620	HUM 000751	HUM 000753
RX2621	HUM 000754	HUM 000755
RX2622	HUM 000756	HUM 000757
RX2623	HUM 000758	HUM 000758
RX2624	HUM 000759	HUM 000759
RX2625	HUM 000760	HUM 000760
RX2626	HUM 000761	HUM 000761
RX2627	HUM 000762	HUM 000762
RX2628	HUM 000763	HUM 000765
RX2629	HUM 000767	HUM 000767
RX2630	HUM 000768	HUM 000813

RX2631	HUM 000814	HUM 000855
RX2632	HUM 000856	HUM 000864
RX2633	HUM 000865	HUM 000867
RX2634	HUM 000868	HUM 000871
RX2635	HUM 001327	HUM 001349
RX2636	HUM 001349	HUM 001376
RX2637	HUM 001377	HUM 001400
RX2638	HUM 001401	HUM 001425
RX2639	HUM 001426	HUM 001449
RX2640	HUM 001450	HUM 001467
RX2641	HUM 001468	HUM 001470
RX2642	HUM 001471	HUM 001478
RX2643	HUM 001479	HUM 001485
RX2644	HUM 001486	HUM 001487
RX2645	HUM 001488	HUM 001513
RX2646	HUM 001514	HUM 001516
RX2647	HUM 001517	HUM 001523
RX2648	HUM 001524	HUM 001542
RX2649	HUM 001543	HUM 001544
RX2650	HUM 001545	HUM 001546
RX2651	HUM 001547	HUM 001552
RX2652	HUM 001553	HUM 001554
RX2653	HUM 001555	HUM 001556
RX2654	HUM 001557	HUM 001560
RX2655	HUM 001561	HUM 001567
RX2657	HUM 001611	HUM 001625
RX2658	HUM 001628	HUM 001743

RX2659	HUM 001744	HUM 001855
RX2660	HUM 001856	HUM 002018