

**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 TIME  
[EXPEDITED CONSIDERATION REQUESTED]**

Pursuant to Section 4.3(b) of the Commission's Rules of Practice, Respondent North Texas Specialty Physicians ("NTSP") hereby moves the Commission for an extension of time for the filing of various briefs in this matter. Complaint Counsel have authorized us to state that they join in the relief requested in this motion.

The service of the Initial Decision in this matter on November 17, 2004, has resulted in the initial appeal brief by Respondent being due on Friday, December 17. Even though Respondent filed the second notice of appeal in this case, after Complaint Counsel, it still must file the initial appeal brief. Complaint Counsel's brief, which includes both the initial cross-appeal brief and the answering brief, is currently due on Tuesday, January 18. Respondent's Reply Brief is due on Thursday, February 17, 2005. Complaint Counsel's Rebuttal Brief is due on Monday, February 28, 2005.

Because of the proximity of the briefing schedule to the Christmas and New Year's holidays, the current schedule would be a substantial inconvenience and hardship

on some of the counsel involved in this matter. Further, in his motions to extend the time for issuing the Initial Decision and in finding that there were extraordinary circumstances warranting this extension, Administrative Law Judge Chappell noted that “nearly 1,500 exhibits were admitted, 17 witnesses testified, either live or by videotape, and there are 2,958 pages of trial transcript.” Similarly, the large amount of evidence and the 97-page Initial Decision, when combined with the prior commitments of counsel during the holiday season, warrant an extension of the time limits prescribed by the briefing schedule.

Therefore, Respondent respectfully requests that the briefing schedule be revised in this matter as follows:

Respondent’s Initial Brief	January 14, 2005
Complaint Counsel’s Answering Brief and Cross-Appeal Brief	March 15, 2005
Respondent’s Reply Brief	April 14, 2005
Complaint Counsel’s Rebuttal Brief	April 28, 2005

It is further requested that these extensions of the briefing schedule also serve to extend by the same amount of time the period under which the appeal of Respondent and Complaint Counsel shall be deemed perfected by a timely appeal brief as prescribed by Rule of Practice 3.51(a).

Dated: December 3, 2004

Respectfully submitted,

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Attorneys for North Texas Specialty  
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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  
One Bowling Green, Suite 318  
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  
600 Pennsylvania Avenue NW  
Washington, D.C. 20580

and by e-mail upon the following: Theodore Zang (tzang@ftc.gov) and Jonathan Platt (jplatt@ftc.gov).

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Nicole L. Rittenhouse

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**ORDER GRANTING RESPONDENT'S MOTION FOR EXTENSION OF TIME**

Respondent has moved that the Commission grant an extension of time for the filing of briefs on the appeal and cross-appeal of this matter. Section 4.3(b) of the Commission's Rules of Practice allows the Commission to extend the time limit prescribed by the Rules of Practice for good cause shown. The Commission has determined to grant Respondent's motion. The time periods prescribed by the Commission Rules of Practice ordinarily should afford parties to FTC proceedings sufficient time to file pleadings and briefs of sufficient quality and detail to aid in the preparation of Commission opinions and orders. The proximity of the current briefing schedule to the Christmas and New Year's holidays, however, coupled with the vast amount of evidence and the numerous legal issues involved in this matter, may interfere with that process.

Accordingly,

**IT IS ORDERED THAT** (1) Respondent shall file its Initial Appeal Brief on or before January 14, 2005, and (2) the appeal of Respondent shall be deemed perfected "by the timely filing of an appeal brief," for purposes of Commission Rule 3.51(a), 16 C.F.R. § 3.51(a), if Respondent file its Appeal Brief by that date;

**IT IS FURTHER ORDERED THAT** (1) Complaint Counsel shall file their Answering and Cross-Appeal Brief on or before March 15, 2005, and (2) Complaint Counsel's cross-appeal shall be deemed perfected "by the timely filing of an appeal brief" if Complaint Counsel file their Answering and Cross-Appeal Brief by that date, whether or not Respondents have previously perfected their appeal;

**IT IS FURTHER ORDERED THAT** Respondent shall file its Reply Brief on or before April 14, 2005; and

**IT IS FURTHER ORDERED THAT** Complaint Counsel shall file their Rebuttal Brief on or before April 28, 2005.

By the Commission.

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Donald S. Clark  
Secretary

ISSUED: December \_\_, 2004