

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

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

DOCKET NO. 9312

**EXPEDITED JOINT MOTION OF COMPLAINT COUNSEL AND RESPONDENT FOR
AN ORDER MODIFYING THE COURT'S SCHEDULING ORDER**

By this motion, Complaint Counsel and Respondent NTSP jointly seek an Order modifying the Scheduling Order previously issued by the Court, to permit an additional week and one day for expert depositions. The modified Order similarly would extend by one week the dates for certain subsequent events that are dependent on the completion of such depositions. The proposed modification sought by Complaint Counsel and NTSP will not affect the scheduled commencement of trial in this matter.

The Court's Scheduling Order provides that Complaint Counsel and Respondent shall provide expert witness reports on February 6 and February 13, respectively, and also provides that Complaint Counsel shall identify rebuttal experts and provide its rebuttal expert reports by February 20. The Scheduling Order further provides that depositions of all experts (including rebuttal experts) shall be completed by February 27. Respondent has indicated that it intends to call three expert witnesses, and Complaint Counsel likely will call two (Complaint Counsel has not yet been required to identify rebuttal experts). Because of the number of experts that will testify in this matter, and the witnesses' own scheduling constraints, it is not practicable for Complaint Counsel and Respondent to schedule and conduct all expert depositions by February 27.

Consequently, Complaint Counsel and Respondent respectfully request that the Court modify its Scheduling Order to provide that the deadline for conducting all depositions of experts (including rebuttal experts) be changed to March 6.

A number of subsequent events covered by the Scheduling Order are dependent on the completion of the expert depositions, because they will require reference to testimony or documents used in those depositions. This includes the submission of witness lists and witness summaries, submission of exhibit lists, designations of deposition testimony, and motions for summary judgment.

Therefore, Complaint Counsel and Respondent request that the following deadlines be changed as described:

- The deadline for depositions of experts (including rebuttal experts) be changed from February 27 to March 6.
- the deadline for filing motions for summary judgment be changed from March 2 to March 9.
- the deadline for Complaint Counsel to provide final proposed witness and exhibit lists (including designation of deposition testimony, copies of exhibits, and summaries of each witness's testimony) be changed from March 2 to March 9.
- the deadline for Respondent to provide final proposed witness and exhibit lists (including designation of deposition testimony, copies of exhibits, and summaries of each witness's testimony) be changed from March 9 to March 16.
- the deadline for parties that intend to offer into evidence at the hearing confidential materials of an opposing party or non-party to provide notice under 16 C.F.R. § 3.45(b) be changed from March 9 to March 16.
- the deadline for filing responses to motions for summary decision be changed from March 19 to March 26.

Counsel for NTSP has reviewed this motion and the attached proposed Order and authorized me to represent that NTSP joins in this motion.

Dated: February 11, 2004

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Christine Rose, hereby certify that on February 11, 2004 I caused a copy of the Expedited Joint Motion of Complaint Counsel and Respondent for an Order Modifying the Court's Scheduling Order to be served upon the following persons:

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