

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

IN THE MATTER OF

NORTH TEXAS SPECIALTY PHYSICIANS,  
A CORPORATION.

Docket No. 9312

RESPONDENT NORTH TEXAS SPECIALTY PHYSICIANS' RESPONSE AND CROSS MOTION  
CONCERNING AMENDMENT OF THE PROPOSED EXHIBIT LISTS

Like Complaint Counsel, Respondent North Texas Specialty Physicians ("NTSP") also respectfully requests leave to amend its proposed exhibit list to include a small number of additional documents. NTSP is unopposed to Complaint Counsel's similar motion, provided that NTSP is given the ability to also amend its exhibit list with a handful of documents. NTSP understands that in a case such as this, where the documents produced number well over 100,000, that there are often documents that are inadvertently left off of a party's exhibit list and must be added at a later date.

All of the exhibits NTSP seeks to add have been previously produced to Complaint Counsel, relate to events known by Complaint Counsel and which are often a part of Complaint Counsel's case, or are publicly available on websites from various payors. A copy of the proposed list of additional exhibits is attached as Exhibit A.

NTSP continues to narrow its proposed exhibit list. To date, it has excluded 397 documents and is continuing its efforts to minimize the number of exhibits it needs to introduce without prejudicing its ability to respond to Complaint Counsel's case.

NTSP requests that the Court grant this motion for leave because these particular documents support evidentiary issues related to NTSP's defense and were inadvertently left out

of NTSP's initial exhibit list. The addition of these documents in no way will prejudice Complaint Counsel for they have been previously produced, relate to events that are within Complaint Counsel's knowledge, or consist of publicly-available information that Complaint Counsel has known was part of NTSP's defense.

For the foregoing reasons, NTSP requests that the Court grants its motion for leave, allow NTSP to add the proposed exhibits to its exhibit list, and grant such other relief as NTSP may be justly entitled.

Respectfully submitted,

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**ATTORNEYS FOR NORTH TEXAS  
SPECIALTY PHYSICIANS**

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

IN THE MATTER OF

NORTH TEXAS SPECIALTY PHYSICIANS,  
A CORPORATION.

Docket No. 9312

**Proposed Order Granting Respondent North Texas Specialty Physicians'  
Motion for Leave to Amend Respondent's Final Proposed Exhibit List**

Respondent North Texas Specialty Physicians filed a Motion for Leave to Amend Respondent's Final Proposed Exhibit List on April 19, 2004. The exhibits NTSP seeks to add include a small number of additional documents that support important evidentiary issues related to NTSP's defense. The addition of these exhibits will in no way prejudice Complaint Counsel because these documents were previously disclosed to Complaint Counsel, relate to events known by Complaint Counsel, or are publicly available on various payors' websites. For these reasons, Respondent's motion is GRANTED.

Ordered:

\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

Date:

**CERTIFICATE OF SERVICE**

I, Gregory D. Binns, hereby certify that on April 17, 2004, I caused a copy of the foregoing to be served upon the following persons:

Office of the Secretary (original and 2 copies via Federal Express)  
Donald S. Clark  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue NW  
Washington, D.C. 20580

Michael Bloom (via e-mail and Federal Express)  
Senior Counsel  
Federal Trade Commission  
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Barbara Anthony (via certified mail)  
Director  
Federal Trade Commission  
Northeast Region  
One Bowling Green, Suite 318  
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Hon. D. Michael Chappell (via Federal Express)  
Administrative Law Judge  
Federal Trade Commission  
Room H-104  
600 Pennsylvania Avenue NW  
Washington, D.C. 20580

and by e-mail upon the following: Ted Zang (TZang@ftc.gov), and Jonathan Platt (jplatt@ftc.gov).

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Gregory D. Binns