

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

IN THE MATTER OF

NORTH TEXAS SPECIALTY PHYSICIANS,  
A CORPORATION.

Docket No. 9312

**NORTH TEXAS SPECIALTY PHYSICIANS' CONSOLIDATED MOTION FOR THE  
ISSUANCE OF SUBPOENAS AD TESTIFICANDUM AND RESPONSE TO COMPLAINT COUNSEL'S  
MOTION FOR ISSUANCE OF SUBPOENAS AD TESTIFICANDUM**

Pursuant to Rule 3.34(a)(2) of the Federal Trade Commission's Rules of Practice for Adjudicative Proceedings, Respondent North Texas Specialty Physicians ("NTSP") moves for an Order authorizing the issuance of four subpoenas *ad testificandum* to be issued to: Jim C. Mosley, Dave M. Roberts, David W. Ellis, and John Lovelady. Each of these individuals is located within the United States as indicated on the attached List of Business Addresses for NTSP's Witnesses.

The testimony of each of these individuals is reasonably relevant to NTSP's defense in this matter and, thus, satisfies the conditions under Rule 3.34(a)(2) for the issuance of a subpoena *ad testificandum* to give testimony at an adjudicative hearing. Each of these individuals, as well as a brief description of each individual's relevance to NTSP's defense is listed on North Texas Specialty Physicians' Final Proposed Witness List.

Each of these individuals was previously deposed in this matter. Complaint Counsel has already moved to subpoena three of the individuals: Jim C. Mosley, David M. Roberts, and David W. Ellis. Further, each of these individuals is also listed on Complaint Counsel's Final Proposed Witness List.

NTSP reserves the right to subpoena additional witnesses for trial.

NTSP has no objections to Complaint Counsel's Motion for the Issuance of Subpoenas *Ad Testificandum*, provided that Respondent's Motion for the Issuance of Subpoenas *Ad Testificandum* are similarly unopposed.

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'  
Consolidated Motion for the Issuance of Subpoenas *Ad Testificandum* and Response to  
Complaint Counsel's Motion for Issuance of Subpoenas *Ad Testificandum***

Respondent North Texas Specialty Physicians filed a Consolidated Motion for the Issuance of Subpoenas *Ad Testificandum* and Response to Complaint Counsel's Motion for Issuance of Subpoenas *Ad Testificandum* on April 19, 2004. NTSP requests the issuance of four subpoenas *ad testificandum* to be issue to: Jim C. Mosley, David M. Roberts, David W. Ellis, and John Lovelady. Each of these individuals is located within the United States. The testimony of each of these individuals is reasonably relevant to NTSP's defense. Therefore, the conditions of Rule 3.34(a)(2) of the Federal Trade Commission's Rules of Practice for Adjudicative Proceedings are satisfied, and 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  
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 (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

### List of Business Addresses for NTSP's Witnesses

Jim C. Mosley, Benefits Consultant  
Effective Plan Management, Inc.  
104 Houston Street, Suite B  
Roanoke, Texas 76262

David M. Roberts, Market Network Head, Network Management  
AETNA, Inc.  
2777 Stemmons Freeway, Suite 300  
Dallas, Texas 75207

John Lovelady, Vice President  
Pacificare  
5001 LBJ Freeway, Suite 600  
Dallas, Texasw 75244

Dave W. Ellis, Senior Medical Director  
United HealthCare  
5800 Granite Parkway, Suite 900  
Plano, Texas 75024