

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

FEDERAL TRADE COMMISSION
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DOCUMENT PROCESSING

In the Matter of)
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)
PIEDMONT HEALTH ALLIANCE, INC.,) Docket No. 9314
a corporation,)
)
and)
)
PETER H. BRADSHAW, M.D.,)
S. ANDREWS DEEKENS, M.D.,)
DANIEL C. DILLON, M.D.,)
SANFORD D. GUTTLER, M.D.,)
DAVID L. HARVEY, M.D.,)
JOHN W. KESSEL, M.D.,)
A. GREGORY ROSENFELD, M.D.,)
JAMES R. THOMPSON, M.D.,)
ROBERT A. YAPUNDICH, M.D.,)
and WILLIAM LEE YOUNG III, M.D.,)
individually.)
)

**COMPLAINT COUNSEL'S FIRST SET OF
REQUESTS FOR ADMISSIONS AND THIRD SET OF INTERROGATORIES**

Pursuant to sections 3.32 and 3.35 of the Federal Trade Commission's Rules of Practice, 16 C.F.R. §§ 3.32, 3.35, Complaint Counsel propound the following Requests for Admissions and Interrogatories to Respondent Piedmont Health Alliance, Inc. ("PHA"). PHA is requested to respond, in writing, to the following Requests for Admissions, within ten days after service hereof, and interrogatories, within thirty days after service hereof, pursuant to the requirements of the Commission's Rules of Practice and the Scheduling Order entered by Administrative Law Judge Chappell in this matter.

Definitions and Instructions

1. The terms "Piedmont Health Alliance, Inc." (referred to herein as "PHA"), "covered services," "member," "payor," "participating hospital," and "Primary Care Physicians" have the meanings as used in the "Piedmont Health Alliance, Inc. Provider Participation Agreement," revised July 16, 2001 (*See, e.g.*, DIL 0007 through DIL 0025).
2. The term "practitioner" has the meaning as used in the "Piedmont Health Alliance, Inc. Provider Participation Agreement," revised July 16, 2001 (*See, e.g.*, DIL 0007 through DIL 0025). However, this term is limited to a doctor of allopathic medicine ("M.D."), a doctor of osteopathic medicine ("D.O."), or a doctor of podiatric medicine ("D.P.M.").
3. The term "group practice" has the meaning as used in the "Piedmont Health Alliance, Inc. Provider Participation Agreement," revised July 16, 2001 (*See, e.g.*, DIL 0007 through DIL 0025), and includes the "designated entity" in which the practitioner, who does not practice with other practitioners, practices, or the medical practice of a sole practitioner.
4. The term "specialty" has the meaning as used in the "Piedmont Health Alliance Physician and Hospital Directory," dated February, 2004, and found at www.phainc.com/ProviderSearch/ProviderSearch.html.
5. These interrogatories are continuing in character as provided in Commission Rule of Practice 3.31(e), 16 C.F.R. § 3.31(e).
6. Interrogatories No. 1 through No. 4 were included in Compliant Counsel's First Set of Interrogatories to Respondent PHA, and Interrogatories No. 5 through No. 9 were included in Complaint Counsel's Second Set of Interrogatories to Respondent PHA.

Requests for Admissions

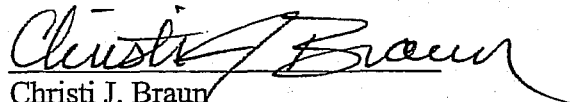
Admit that:

1. PHA's practitioners provide covered services to payors' members either through group practices, or as employees of one of PHA's participating hospitals.
2. All PHA group practices -- other than Doctors Vision Center, Family Medicine Associates of Lincoln County, PLLC, and Lincolnton Medical Group -- have at least one office, or place of business, in the Unifour area at which PHA practitioners provide covered services to payors' members.
3. PHA's practitioners provide covered services to payors' members in the Unifour area through more than 150 group practices.

4. The more than 135 PHA primary care physicians provide covered services to payors' members in the Unifour area through more than 55 group practices.
5. PHA's practitioners who provide covered services in the specialties of Allergy/Immunology, Cardiology, Dermatology, Family Medicine, Gastroenterology, General Surgery, Internal Medicine, Obstetrics/Gynecology, Pediatrics, Neonatology, Nephrology, Neurology, Neurosurgery, Oncology/Hematology, Ophthalmology, Oral Surgery, Orthopaedic Surgery, Otolaryngology, Pathology, Physiatry/Physical Medicine, Plastic/Reconstructive Surgery, Podiatry, Radiation/Oncology, Radiology, Rheumatology, Urgent Care, Urological Surgery through group practices in the Unifour area compete – in the sense that the practitioners are alternatives when viewed from the perspective of patients, or payors who are seeking to contract with practitioners to provide covered services to their members – with one or more PHA practitioners of the same specialty who provide covered services through different group practices in the Unifour area.

Interrogatories

10. If the answer to Request for Admission No. 2 is other than an unqualified admission, provide all facts and bases that PHA contends support its refusal to admit the request.
11. If the answer to Request for Admission No. 3 is other than an unqualified admission, provide all facts and bases that PHA contends support its refusal to admit the request.
12. If the answer to Request for Admission No. 5 is other than an unqualified admission, provide all facts and bases that PHA contends support its refusal to admit the request.
13. To the extent not provided in response to the admissions, above, or answers to Interrogatories No. 10 and 11, identify, for each PHA practitioner, the names, group practices, and specialties of all other PHA practitioners who provide covered services in the same specialty.


Christi J. Braun
Counsel Supporting the Complaint

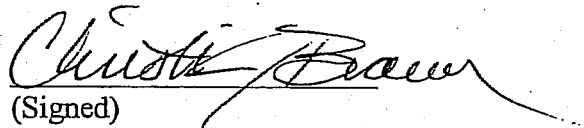
Dated: February 19, 2004

CERTIFICATE OF SERVICE

I, Christi J. Braun, hereby certify that on February 19, 2004:

I caused copies of Complaint Counsel's First Set of Requests for Admissions and Third Set of Interrogatories to Piedmont Health Alliance, Inc., to be served via electronic mail transmission and followed by U.S. mail delivery to the following person:

Nicholas R. Koberstein, Esq.
McDermott, Will & Emery
600 13th Street, N.W.
Washington, D.C. 20005-3096


(Signed)

CERTIFICATE OF SERVICE

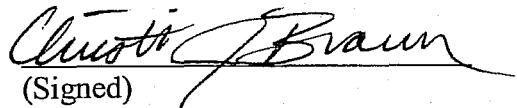
I, Christi J. Braun, hereby certify that on February 23, 2004:

I caused two copies of Complaint Counsel's First Set of Requests for Admissions issued to Respondent Piedmont Health Alliance, Inc., to be served by hand delivery upon the following person:

Hon. D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
Room H-104
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

I caused two copies of Complaint Counsel's First Set of Requests for Admissions issued to Respondent Piedmont Health Alliance, Inc., to be served by hand delivery upon the following person:

Office of the Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580


(Signed)