



3. “I have reviewed the non-party Subpoena Duces Tecum served on Humana by North Texas Specialty Physicians (“*NTSP*”).

4. “Request No. 5 (seeking documents comparing the costs and quality of medical services between physician providers) is not expressly limited in scope to any specific geographic location. Consequently, in order to respond to this request, Humana would be required to expend substantial effort and resources to locate, gather and review potentially responsive documents because these documents may be kept in multiple, different locations across the country, depending on the particular region of the country where the various provider groups are located and the networks in which they participate. The effort to locate, review and produce these documents will likely take in excess of 100 man hours to complete and will cost Humana tens of thousands of dollars.

7. “Request No. 6 (seeking documents regarding the rates paid by Humana to physician providers) likewise does not contain any geographic limitation. Consequently, in order to respond to this request, Humana would be required to search and retrieve from its data bases voluminous fee schedules for all of its markets across the country. This would require Humana to expend substantial scarce programming and computer technology resources to locate, gather and review and potentially responsive fee schedules. The effort to locate, review and produce these documents will likely take in excess of 100 man hours to complete and will likely cost Humana tens of thousands of dollars.

8. “Request No. 7 (seeking documents regarding comparisons of the costs of physician services, hospital care, pharmacy cost, or cost of health insurance in the State of Texas) is quite broad in scope. To collect what might be deemed “comparisons” of the costs of physician services in the State of Texas, Humana would need to search each of its offices in the

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State of Texas to determine what documents might somehow be responsive. Given the fact that any such documents are not collected in any one file, but could instead be located in the files of anyone working on network development, Humana would be required to expend in excess of 100 man hours to identify, review and collect any responsive documents.

9. “Further, per the instructions contained in the subpoena, the date range of potentially responsive documents spans a six (6) year period. The amount of effort, time and expense necessary to respond to the subpoena grows in proportion to the length of time covered by the subpoena. Older records, to the extent they exist, are stored off-site thus increasing the effort, time and expense necessary to respond.

10. “The subpoena also requests Humana to prepare a privilege log for any documents withheld from production. As indicated above, in order to respond to the requests in the subpoena, as drafted, Humana will be required to expend a substantial number of man hours just to locate, identify and review potentially responsive documents. Having to produce a privilege log in connection with this sort of massive document request will likely take weeks to complete.”

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FURTHER AFFIANT SAYETH NOT.

D. Gary Reed  
D. GARY REED

SUBSCRIBED AND SWORN TO before me by the said D. Gary Reed on the  
9th day of January, 2004.

Angelita R. Crutcher  
Notary Public in and for the State of  
Kentucky

Angelita R. Crutcher  
Printed Name

My Commission Expires:

Aug. 5, 2004