

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

COMMISSIONERS: **Deborah Platt Majoras, Chairman**
 Orson Swindle
 Thomas B. Leary
 Pamela Jones Harbour
 Jon Leibowitz

In the Matter of)	
)	
NORTH TEXAS)	Docket No. 9312
SPECIALTY PHYSICIANS,)	
)	
a corporation.)	
)	

**ORDER GRANTING MOTION FOR EXTENSIONS OF TIME
TO FILE APPELLATE BRIEFS**

Respondent has moved that the Commission grant an extension of time for the filing of briefs on the appeal and cross-appeal in this matter. Judge Chappell filed his Initial Decision and Order in this matter on November 8, 2004. Complaint Counsel filed a timely Notice of Appeal on November 29, 2004, and Respondent filed a timely Notice of Appeal on December 3, 2004. Pursuant to Commission Rule 3.52(g), 16 C.F.R. § 3.52(g) (2004), Respondent is deemed the Appellant and Complaint Counsel are deemed the Cross-Appellants/Appellees. Because the Respondent was served with the Initial Decision on November 17, 2004, Respondent must currently file its Appeal Brief on or before December 17, 2004. Commission Rule 3.52(b), 16 C.F.R. § 3.52 (b). If service of that and subsequent briefs is effected on the opposing parties on the date on which each brief is due, and if Complaint Counsel perfect their cross-appeal,¹ then Complaint Counsel’s Answering and Cross-Appeal Brief would be due on or before January 18, 2005; Respondent’s Reply Brief would be due on or before February 17, 2005; and Complaint Counsel’s Rebuttal Brief would be due on or before March 1, 2005.

Respondent notes that the record in this case contains nearly 1,500 admitted exhibits and 2,958 pages of trial transcript (from the live or videotaped testimony of seventeen

¹ For purposes of this Order, Complaint Counsel’s cross-appeal will be deemed to have been perfected if their initial brief contains their “arguments as to any issues [Complaint Counsel] is raising on cross-appeal . . .” Commission Rule 3.52(c), 16 C.F.R. § 3.52(c).

witnesses). Respondent's Motion for Extension of Time (Dec. 3, 2004) at 2. Respondent also states that "because of the proximity of the briefing schedule to the Christmas and New Year's holidays, the current schedule would be a substantial inconvenience and hardship on some of the counsel in this matter." *Id.* at 1-2. Respondent cites "the large amount of evidence and the 97-page Initial Decision" and the prior commitments of counsel as the basis for requesting that the Commission grant an extension of time for the filing of each of the appellate briefs. *Id.* at 2. Respondent advises that Complaint Counsel have authorized it to state that they join in the relief requested in this motion. *Id.* at 1.

The Commission has determined to grant Respondent's motion. The time periods prescribed by the Commission Rules of Practice ordinarily should afford parties to FTC proceedings sufficient time to file pleadings and briefs of sufficient quality and detail to aid in the preparation of Commission opinions and orders. The proximity of the current briefing schedule to the Christmas and New Year's holidays, however, coupled with the complexity of the issues suggested by the parties, may interfere with that process. Accordingly,

IT IS ORDERED THAT (1) Respondent shall file its Appeal Brief on or before January 14, 2005, and (2) the appeal of Respondent shall be deemed perfected "by the timely filing of an appeal brief," for purposes of Commission Rule 3.51(a), 16 C.F.R. § 3.51(a), if Respondent files its Appeal Brief by that date;

IT IS FURTHER ORDERED THAT (1) Complaint Counsel shall file their Answering and Cross-Appeal Brief on or before March 15, 2005, and (2) Complaint Counsel's cross-appeal shall be deemed perfected "by the timely filing of an appeal brief" if Complaint Counsel file their Answering and Cross-Appeal Brief by that date, whether or not Respondent has previously perfected its appeal;

IT IS FURTHER ORDERED THAT Respondent shall file its Reply and Answering Brief on or before April 14, 2005; and

IT IS FURTHER ORDERED THAT Complaint Counsel shall file their Rebuttal Brief on or before April 28, 2005.

By the Commission.

Donald S. Clark
Secretary

ISSUED: December 10, 2004