

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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	)	
UNITED STATES OF AMERICA,	)	<b>CA 98-475 JJF</b>
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
FEDERATION OF PHYSICIANS AND	)	
DENTISTS, INC.,	)	
	)	
Defendant.	)	
	)	
	)	

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**UNITED STATES’ MOTION TO COMPEL NON-PARTY FIRST STATE  
ORTHOPAEDICS’ PRODUCTION OF SUBPOENAED DOCUMENTS**

Pursuant to Fed. R. Civ. P. 45(c)(2)(B) and D. Del. LR 7.1.1, the United States hereby moves for entry of the accompanying proposed order compelling non-party First State Orthopaedics (“First State”) to produce and permit inspection and copying of documents responsive to Document Request No. 7 attached to a subpoena that was served October 29, 1998, on First State Orthopaedics. This motion is made on the grounds that the documents sought are reasonably calculated to lead to the discovery of admissible evidence, and therefore are relevant under Fed. R. Civ. P. 26(b)(1) to the subject matter of the action, and that First State’s refusal to comply is without justification.

Pursuant to D. Del. LR 7.1.1, and as explained in detail in the accompanying brief, plaintiff certifies that it has conferred in good faith with counsel for First State Orthopaedics in an effort to resolve this dispute.

Respectfully submitted,

COUNSEL FOR PLAINTIFF  
UNITED STATES OF AMERICA

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