U.S. Department of Justice

Antitrust Division

Liberty Place Building
325 Seventh Street NW
Washington, DC 20530

January 21, 2000

Honorable Joseph J. Farnan, Jr.
United States District Court
District of Delaware
Federal Building, Room 6325
844 King Street
Wilmington, DE 19801

Re: United States v. Federation of Physicians and Dentists, 98-CV-475 JJF

Dear Judge Farnan:

Plaintiff United States submits this letter to request a status conference regarding the above-referenced case. Based on conversations with defense counsel, plaintiff understands that defendant the Federation of Physicians and Dentists also believes that a status conference would be helpful.

Pursuant to the Stipulated Scheduling Order entered by this Court on March 5, 1999 (D.I. 71), trial for this case is currently scheduled for late April of this year. Although fact discovery closed on December 31, 1999, except for the limited purposes specified in the Second Stipulated Order (D.I. 180), several discovery motions are still pending before this Court that necessitate further scheduling accommodations. Most significant to the United States' trial preparation is the pending motion filed by defendant and joined by several others, seeking to quash 25 of the 27 depositions noticed by the United States. (D.I. 145, 149, 172). Other discovery motions remaining to be resolved are the defendant Federation's Motion to Compel Plaintiff to Produce Documents requested by Defendant's First Request for Documents (D.I. 124), and motions by non-parties, Principal Health Care, AmeriHealth, Independence Blue Cross, and Blue Cross Blue Shield of Delaware, seeking a protective order or modifications to the Protective Order entered by this Court on March 3, 1999. (D.I. 85, 86). All briefings for these pending motions have been completed.

Until outstanding discovery, as may be allowed, is completed, the parties are unable to effectively prepare for trial as scheduled. We respectfully request, therefore, that a status conference be held to work out an appropriate, revised scheduling order governing preparation for trial of this case.

Respectfully submitted,

CARL SCHNEE
United States Attorney

BY:_____/S/_____
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