

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

**In the Matter of**

**PIEDMONT HEALTH ALLIANCE, INC.,  
a corporation,**

**and**

**PETER H. BRADSHAW, M.D.,  
S. ANDREWS DEEKENS, M.D.,  
DANIEL C. DILLON, M.D.,  
SANFORD D. GUTTLE, 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**

**Docket No. 9314**

**RESPONDENT'S PRELIMINARY WITNESS LIST**

Pursuant to the scheduling order in this matter, Respondents Piedmont Health Alliance ("PHA"), 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. (collectively, "Respondents") submit their preliminary witness list. Respondents reserve the right:

- A. to present testimony, by deposition or orally by live witness, from any other person who has been or may be identified by Complaint Counsel as a potential witness in this matter and any person from whom discovery is sought;

- B. to further supplement this witness list as circumstances may warrant, in accordance with the scheduling order;
- C. to identify additional witnesses as soon as Respondents have had an opportunity to depose Complaint Counsel's witnesses, and once Respondents have received Complaint Counsel's expert reports;
- D. not to call any of the persons listed below to testify at the hearing, as circumstances may warrant; and
- E. to call other persons to address specific allegations by Complaint Counsel as and when those allegations are revealed.

Subject to these reservations of rights, Respondents' preliminary list of witnesses is as follows:

**1. Sharon J. Alvis**

Ms. Alvis is the Chief Executive Officer of PHA. It is anticipated that Ms. Alvis will testify regarding:

- the form and function of PHA;
- the operations of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent she is familiar;
- the facts alleged by Complaint Counsel to the extent she has knowledge; and
- the defenses of Respondents, to the extent she has knowledge.

**2. Kim Auten**

Ms. Auten is Chief Nursing Officer for PHA. It is anticipated that Ms. Auten will testify regarding:

- the form and function of PHA;
- the operations of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent she is familiar;
- the facts alleged by Complaint Counsel to the extent she has knowledge; and
- the defenses of Respondents, to the extent she has knowledge.

### **3. Ira Bloomfield, M.D.**

Dr. Bloomfield is the Chief Medical Information Officer of PHA. It is anticipated that Mr. Bloomfield will testify regarding:

- the form and function of PHA;
- the operations of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

### **4. Peter H. Bradshaw, M.D.**

Dr. Bradshaw, a Respondent, is a member of PHA. It is anticipated that Dr. Bradshaw will testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

### **5. John N. Bray**

Mr. Bray is the Chairman and Chief Executive Officer of Vanguard Furniture. It is anticipated that Mr. Bray may testify regarding:

- PHA and its physician members;
- physician and health plan competition;
- using PHA as a network to provide physician and hospital services to Vanguard Industries, Inc. employees;
- communications and contract terms with PHA; and
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

### **6. S. Andrews Deekens, M.D.**

Dr. Deekens, a Respondent, is a member of PHA. It is anticipated that Dr. Dillon may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

**7. Daniel C. Dillon, M.D.**

Dr. Dillon, a Respondent, is a member of PHA. It is anticipated that Dr. Dillon may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

**8. Diane Fox**

Ms. Fox is the Director of Business Development for PHA. It is anticipated that Ms. Fox may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent she is familiar;
- the facts alleged by Complaint Counsel to the extent she has knowledge; and
- the defenses of Respondents, to the extent she has knowledge.

**9. Sanford D. Guttler, M.D.**

Dr. Guttler, a Respondent, is a member of PHA. It is anticipated that Dr. Guttler may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the

- extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

#### **10. David L. Harvey, M.D.**

Dr. Harvey, a Respondent, is a member of PHA. It is anticipated that Dr. Harvey may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

#### **11. James Hughes**

Mr. Hughes is the Chief Financial Officer for PHA. It is anticipated that Mr. Hughes may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

#### **12. Timothy T. Isenhower**

Mr. Isenhower is a Corporate Manager for Group Health and Workers Compensation for Hickory Springs Manufacturing Company. It is anticipated that Mr. Isenhower may testify regarding:

- PHA and its physician members;
- physician and health plan competition;
- relative costs of physician services in the Unifour area and other geographic areas;
- using PHA as a network to provide physician and hospital services to Group Health and Workers Compensation for Hickory Springs Manufacturing Company employees;
- communications and contract terms with PHA;

- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

### **13. Martin Light**

Mr. Light is the Director of Project Management of PHA. It is anticipated that Mr. Light may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- PHA's information technology programs;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

### **14. John W. Kessel, M.D.**

Dr. Kessel, a Respondent, is a member of PHA. It is anticipated that Dr. Kessel may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

### **15. Andrew M. Mayberry**

Mr. Mayberry is the President and Chief Executive Officer of Lenoir Mirror Company. It is anticipated that Mr. Mayberry may testify regarding:

- PHA and its physician members;
- physician and health plan competition;
- using PHA as a network to provide physician and hospital services to Lenoir Mirror Company employees;
- communications and contract terms with PHA;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

## **16. Cathie Pettit**

Ms. Pettit is the Chief Operating Officer of PHA. It is anticipated that Ms. Pettit may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent she is familiar;
- the facts alleged by Complaint Counsel to the extent she has knowledge; and
- the defenses of Respondents, to the extent she has knowledge.

## **17. A. Gregory Rosenfeld, M.D.**

Dr. Rosenfeld, a Respondent, is a member of PHA. It is anticipated that Dr. Rosenfeld may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

## **18. C. Hunt Shuford, Jr.**

Mr. Shuford is the Secretary and Treasurer of STM Industries, Inc. It is anticipated that Mr. Shuford may testify regarding:

- PHA and its physician members;
- physician and health plan competition;
- using PHA as a network to provide physician and hospital services to STM Industries, Inc. employees;
- communications and contract terms with PHA;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

## **19. David Sousa**

Mr. Sousa is Senior Vice President and General Counsel of Medical Mutual Insurance Company of North Carolina. It is anticipated that Mr. Sousa may testify regarding:

- PHA and its physician members;
- PHA's quality and risk management programs;
- communications with PHA;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

**20. James R. Thompson, M.D.**

Dr. Thompson, a Respondent, is a member of PHA. It is anticipated that Dr. Thompson may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

**21. Robert A. Yapundich, M.D.**

Dr. Yapundich, a Respondent, is a member of PHA. It is anticipated that Dr. Yapundich may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the extent he is familiar;
- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

**22. William Lee Young III, M.D.**

Dr. Young, a Respondent, is a member of PHA. It is anticipated that Dr. Young may testify regarding:

- the form and function of PHA;
- the operations of PHA;
- his role as a member and Board member of PHA;
- the delivery of physician services in the Unifour area and surrounding areas to the

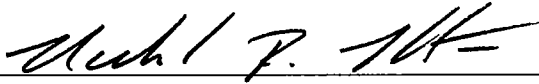


extent he is familiar;

- the facts alleged by Complaint Counsel to the extent he has knowledge; and
- the defenses of Respondents, to the extent he has knowledge.

Dated: March 9, 2004

Respectfully submitted,

By:  \_\_\_\_\_

**James H. Sneed**

**Nicholas R. Koberstein**

**Linda M. Holleran**

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ATTORNEYS FOR RESPONDENTS

**CERTIFICATE OF SERVICE**

I, Andrea L. Hamilton, hereby certify that on March 9, 2004:

I caused two copies of Respondent Piedmont Health Alliance's Preliminary Witness List, 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 Respondent Piedmont Health Alliance's Preliminary Witness List, to be served by hand delivery upon the following:

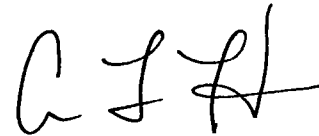
Office of the Secretary  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

I caused a copy of Respondent Piedmont Health Alliance's Preliminary Witness List, to be served via electronic mail and followed by U.S. mail delivery to the following persons:

John S. Martin, Esq.  
David M. Narrow, Esq.  
Markus H. Meier, Esq.  
Complaint Counsel  
Bureau of Competition  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Room S-3013  
Washington, D.C. 20580

I caused a copy of Respondent Piedmont Health Alliance's Preliminary Witness List, to be served via U.S. mail delivery to the following person:

Jeffrey Brennan, Esq.  
Assistant Director Health Care Services & Products  
Bureau of Competition  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, D.C. 20580



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Andrea L. Hamilton