

Interlocutory Order

90 F.T.C.

IN THE MATTER OF

THE RAYMOND LEE ORGANIZATION, INC., ET AL.

Docket 9045. Interlocutory Order, Oct. 31, 1977

Denial of respondents' request for reconsideration of prior denial of extension to file answer to motion for leave to file amicus brief.

ORDER DENYING RESPONDENTS' REQUEST FOR
RECONSIDERATION OF ORDER DENYING REQUEST FOR AN
EXTENSION OF TIME FOR FILING AN ANSWER

By letter received October 18, 1977, Mr. Malcolm I. Lewin, attorney representing The Raymond Lee Organization, Inc. and Raymond Lee; requested the Commission grant an extension of time for filing an answer in opposition to a motion for leave to file a brief of an amicus curiae.

The Commission, assuming arguendo that respondents had a right to file an answer under Rule 3.52(h), denied respondents' motion noting that the specified time within which the answer should have been forthcoming had expired.

Now, attorneys for respondents, by letter received October 25, 1977, request that the Commission reconsider its order denying their request for an extension of time.

Not addressing the question whether the respondents have a right to answer, the Commission finds no reason to reconsider the above order.

Moreover, the Commission, in its discretion, reading respondents' answer finds nothing therein to change its decision granting amici leave to file a brief. Respondents' major concern is that amici will introduce factual material not contained in the record of this proceeding. This fear is groundless, however, as the Commission undoubtedly would strike those portions of the brief which attempt to introduce new evidence about the case. Accordingly,

It is ordered, That said motion be, and it hereby is, denied.

IN THE MATTER OF
MINNESOTA STATE MEDICAL ASSOCIATION, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT

Docket C-2909. Complaint, Oct. 31, 1977 — Decision, Oct. 31, 1977

This consent order, among other things, requires a St. Paul, Minn. medical association and its component societies, to cease publishing, distributing or contributing to the development of relative value scales and monetary conversion factors which tend to establish prices or otherwise influence fees for medical and surgical services. Further, respondents are required to withdraw such material which has already been published or circulated, and to send copies of the complaint and order to their member societies.

Appearances

For the Commission: *Lawrence E. Gray and Judith A. Moreland.*

For the respondents: *Dorsey, Windhorst, Hannaford, Whitney & Halladay, Minneapolis, Minn.*

COMPLAINT

Pursuant to the provision of the Federal Trade Commission Act, as amended, 15 U.S.C. 41, *et. seq.*, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the Minnesota State Medical Association and the county and district medical societies (as named in the caption hereof) which are components of the Minnesota State Medical Association have violated the provisions of Section 5 of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges as follows:

PARAGRAPH 1. Respondent, the Minnesota State Medical Association ("MSMA"), is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 101 East Fifth St., St. Paul, Minnesota.

PAR. 2. The respondent county and district medical societies are chartered by MSMA and are referred to as component societies. Membership in MSMA is available only through membership in a component society, and all members of component societies are required to be members of MSMA.

PAR. 3. Respondent, Clay-Becker County Medical Society, is a corporation organized, existing and doing business under and by