

C. Jurisdiction and Venue

4. The Court has jurisdiction of this matter pursuant to Section 17.61 of the Texas Business & Commerce Code.

5. Venue of this matter is proper in Harris County, Texas pursuant to Sections 17.56 and 17.61 of the Texas Business & Commerce Code.

D. Factual Background

6. On March 16, 2006, AHS received a Civil Investigate Demand (“CID”) issued by Assistant Attorney General Janet D. Dann, Office of the Attorney General, Consumer Protection & Public Health Division, requesting seventeen different categories of documentary material. The CID was issued as a follow-up to an investigation originally commenced in 2003.

E. Cause of Action

7. The CID should be set aside or modified because it: (a) is overbroad and unduly burdensome; (b) seeks information that is not relevant to the investigation being conducted and is not reasonably calculated to lead to the discovery of admissible evidence; (c) fails to describe the documentary material to be produced with reasonable specificity; and (d) unnecessarily seeks the disclosure of confidential personnel records. AHS intends to fully comply with the unobjectionable portions of the CID. AHS plans to discuss the objectionable portions of the CID with the Texas Attorney General and attempt to amicably resolve the dispute before presenting the issue to the Court for resolution.

F. Prayer for Relief

WHEREFORE, AHS prays that the State be cited to appear and answer, and that on final hearing, AHS have judgment setting aside and/or modifying the CID; costs of court, and granting all further relief to which it may show itself justly entitled.

Respectfully submitted,

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