

PrattOnTexas.com

Via email, 02 October 2007

Mr. John Barr, attorney for AAG & the Ted Parker Group

Mr Clark and Mr Pratt:

Whatever they say about the press, pro or con, I have obtained more information off of your web sites than I have from the City of Lubbock: (1) two open records requests; (2) a suit under rule 202 Texas Rules of Civil Procedure; (3) and a few letters between lawyers. I do appreciate your venue.

First, the City of Lubbock filed what they characterize as a request for information so they can go to arbitration. That's what they say! In truth, what they did was file a petition asking for pricing information which would give my client's competitor a large advantage. The material sought is not that complicated it is just the costs that my client can get from a health care provider for a certain procedure. If they check their records they know what they paid for each and every procedure. The real objective for filing their petition and the calling of their press conference was to cast my client in a bad light and try to hurt his reputation in Lubbock, Texas. Sure, hurt his reputation! Generally, we as citizens believe what our government says. The Mayor and City staff claims they need our price lists to be able to determine whether they have been charged properly. They want the price list to give it to our competitor who is alleged to have forced local doctors and hospitals into cutting their fees. In case someone did not know BCBS has problems publicly reported with local health care providers. The city filed their lawsuit against my client and called their press conference on March 5th 2007. The City council and Mayor left for Washington DC and on March 8th 2007 held a closed door meeting which, in my opinion and in the opinion of others, may have violated the open meetings act. When a city officer brought this closed meeting violation to the light of day he was fired.

They say we are picking on them and harassing them by asking for sworn testimony over the secret closed door meeting and our concern that government bid laws were violated. **To set the record clear. My client filed a motion with the District Judge asking that the Judge select an auditor of his choice to audit this mess. We want an independent auditor to look at all the books and records and that auditor will be given ALL OF THE RECORDS, including the price list. The only catch is that this Auditor will be the Judge's choice, not some political hack with an axe to grind. Second, when the Judge's Auditor has our price lists we think they will be safe and not given over to our competitors. We also sought a rule 202 discovery request from the Judge, in lieu of simply suing these people and costing the Lubbock city coffers money to defend our suit. We simply want sworn testimony from the Mayor and the so called gang of four. This has been my position since I was hired in this case.**

Second, I have great confidence in District Judge Reyes. He actually has read the material given to him. I could see his notes in the margins of the cases provided to him by both the City and my side. We desire fairness. I am from out of town. What's worst, I am from Dallas, although I try hard not to act like it.

Third, I have informally and formally made this offer to have the Judge appoint an auditor of the Judge's Choice to the City Attorney, the city's

private attorney, and to everyone who was in two conferences which took place in the Courthouse Jury rooms. The City has insisted that an independent auditor is not what they want. They want the fellow from BPA, who IS NOT a CPA to do the audit. I submit they want him for their own reasons. I understand that this NON CPA told the city that what they were asking him to do was "highly unusual". Call him up and ask him what he said on the show. More importantly, ask him why Mayor Miller would ask him to do a "highly unusual" act.

In conclusion, this entire mess started with the city manager wanting to raise taxes and saying that health costs had increased 20%. Parker went to the budget session of the City Council and called her out on this. Parker told her she was misrepresenting the facts. He told her she was including staff salaries in the health care costs. He also told them that they were adding 125 people to the plan and that taking out the 125 people the costs were increasing 3.2% not 20%. I have seen the recording of this city hall meeting. Play it for the people of Lubbock. She got angry and the Mayor got miffed because Parker supported his opponent and does not drink the Mayor's coolaid.

You know I don't think that BCBS has saved the City 4.5 million dollars on health claims, and it seems that the city has backed off their foolish statements. They said my figures were wrong until they figured out that I simply used their public records to prove my point.

You know this dispute can be settled this minute if Mayor Miller will allow Judge Reyes to pick an auditor and protect the confidential material from disclosure and simply release the findings to the public. The issue also could be settled if the City would allow you two radio talk show hosts to pick an auditor to do the audit and review, under the above mentioned terms.

I do not make it a habit to talk to the media about pending cases. Since the City decided to use the media to try to smear my client. I have simply answered their assaults with the facts. The Mayor is dead wrong and the tax payers are paying for the folly.

I have to start a trial next week and have been talking to witnesses late tonight and eating cold sandwiches with luke warm coffee. I don't know what makes me sicker, the bologna I ate or the bologna I read from these politicians.

John Barr