

Interlocutory Orders, Etc.

IN THE MATTER OF

**THE PENN STATE HERSHEY MEDICAL
CENTER
AND
PINNACLEHEALTH SYSTEM**

Docket No. 9368. Order, May 12, 2016

Order granting a Joint Expedited Motion for a Continuance of Administrative Proceedings, seeking a 21-day continuance of the administrative hearing and related pre-hearing deadlines.

ORDER GRANTING CONTINUANCE

On December 7, 2015, the Commission issued an administrative complaint alleging that an affiliation agreement by the Respondents violates Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, and, if consummated, would violate Section 7 of the Clayton Act, 15 U.S.C. § 18, and Section 5 of the FTC Act. On December 9, 2015, pursuant to Section 13(b) of the FTC Act and Section 16 of the Clayton Act, the Commission filed a complaint in United States District Court for the Middle District of Pennsylvania seeking a temporary restraining order and a preliminary injunction to prevent Respondents from consummating their proposed merger until final resolution of this administrative proceeding. Compl., *FTC v. Penn State Hershey Med. Ctr.*, No. 1:15-cv-2362-JEJ (M.D. Pa.) (Dec. 9, 2015). In accordance with Commission Rule 3.11(b) (4), the administrative complaint provides that the evidentiary hearing shall begin on May 17, 2016.

On March 21, 2016, the Commission denied without prejudice a motion by Respondents to stay the administrative hearing pending a ruling by the district court on the Commission's request for a preliminary injunction.¹ On May 4, 2016, the parties filed a Joint Expedited Motion for a Continuance of Administrative Proceedings, seeking a 21-day continuance of the administrative hearing and related pre-hearing deadlines. On May 9, 2016, the

¹ *Penn State Hershey Med. Ctr.*, Docket No. 9368, Commission Order Denying Motion To Stay the Administrative Hearing (Mar. 21, 2016).

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district court denied the Commission's request for a preliminary injunction.

In light of the district court's ruling, we find that there is good cause to grant a two-week continuance of the administrative hearing and related deadlines to allow the parties time to determine how to proceed and to make any motions before the Commission.

Accordingly, **IT IS HEREBY ORDERED** that the evidentiary hearing shall commence on June 1, 2016 and all related pre-hearing deadlines shall be extended by 14 days.

By the Commission.

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IN THE MATTER OF

LABMD, INC.

Docket No. 9357. Order, May 16, 2016

Order granting Complaint Counsel's unopposed Motion to correct the transcript of the Oral Argument held in this proceeding on March 8, 2016.

ORDER CORRECTING ORAL ARGUMENT TRANSCRIPT]

On May 4, 2016, Complaint Counsel filed an unopposed Motion to correct the transcript of the Oral Argument held in this proceeding on March 8, 2016. The Motion states that Complaint Counsel conferred with counsel for Respondent in a good faith effort to stipulate to the desired corrections, as prescribed by Commission Rule 3.52(i), 16 C.F.R. § 3.52(i), and that while Respondent has declined to join the Motion, Respondent agrees to the proposed corrections and will not oppose the Motion. Accordingly,

IT IS ORDERED THAT the Oral Argument Transcript be, and it hereby is, modified to adopt the two corrections requested by Complaint Counsel in the May 4 Motion, and to read as shown in the attached corrected copy.

By the Commission.