

Interlocutory Orders, Etc,

IN THE MATTER OF

**THE PENN STATE HERSHEY MEDICAL
CENTER
AND
PINNACLEHEALTH SYSTEM***Docket No. 9368. Order, May 26, 2016*

Order granting a Joint Motion seeking to continue the hearing date to June 21, 2016, and all pre-hearing deadlines by 20 days.

ORDER GRANTING CONTINUANCE

The evidentiary hearing in this matter is scheduled to commence on June 1, 2016, following the grant of a prior continuance.¹ The parties now jointly request that the Commission continue the hearing date to June 21, 2016, and all pre-hearing deadlines by 20 days.

The pertinent facts are as follows. On May 9, 2016, the United States District Court for the Middle District of Pennsylvania denied the Commission's motion seeking a temporary restraining order and preliminary injunction to prevent Respondents from consummating their proposed merger until final resolution of this administrative proceeding.² On May 12, the Commission filed an emergency motion for an injunction pending appeal with the United States Court of Appeals for the Third Circuit, which was granted on May 24.

In their motion, the parties state that if, as has now occurred, the Third Circuit granted the Commission's emergency motion, the requested continuance would provide them with needed time to determine how to proceed in this administrative adjudication and whether to make any further motions before the Commission.

1 *Penn State Hershey Med. Ctr.*, Docket No. 9368, Commission Order Granting Continuance (May 12, 2016), <https://www.ftc.gov/system/files/documents/cases/160512pennstatehershey-order.pdf>.

2 Memorandum Opinion and Order, *FTC v. Penn State Hershey Med. Ctr.*, No. 1:15-cv-2362-JEJ (M.D. Pa.) (May 9, 2016).

Interlocutory Orders, Etc.

In light of the foregoing, we find that there is good cause to grant the requested continuance. Accordingly,

IT IS HEREBY ORDERED that the evidentiary hearing shall commence on June 21, 2016, and all related pre-hearing deadlines are extended by 20 days.

By the Commission.

Interlocutory Orders, Etc,

IN THE MATTER OF

**ADVOCATE HEALTH CARE NETWORK,
ADVOCATE HEALTH AND HOSPITALS
CORPORATION,
AND
NORTHSHORE UNIVERSITY HEALTHSYSTEM**

Docket No. 9369. Order, June 2, 2016

Order granting a Joint Expedited Motion seeking an additional 26 days continuance of the administrative hearing and related pre-hearing deadlines.

ORDER GRANTING CONTINUANCE

The evidentiary hearing in this administrative proceeding is scheduled to commence on June 15, 2016, following the grant of a prior continuance to provide additional time for the U.S. District Court for the Northern District of Illinois to rule on the Commission's request for a preliminary injunction.¹ Although the preliminary injunction hearing has now concluded, the district court has taken the matter under advisement and has not indicated when it will issue a ruling. Citing this circumstance, Complaint Counsel and Respondents now request that the Commission continue the evidentiary hearing and all pre-hearing deadlines by an additional 26 days.²

Respondents reaffirm that if the district court grants the preliminary injunction motion, they will abandon the proposed transaction, and that if the preliminary injunction motion is denied, they will file a motion pursuant to Commission Rule 3.26, which would trigger either a possible withdrawal of this matter from adjudication or a stay, pending further action by the Commission. The parties also note that if the evidentiary hearing is to begin on June 15, trial preparations will require both the

¹ *Advocate Health Care Network*, Docket No. 9369, Commission Order Granting Continuance (May 6, 2016), <https://www.ftc.gov/system/files/documents/cases/160506advocateorder.pdf>.

² *Advocate Health Care Network*, Docket No. 9369, Joint Expedited Motion for Continuance of Administrative Proceedings (May 27, 2016).