

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).

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parties and numerous non-parties to expend significant resources over the next two weeks.

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

IT IS HEREBY ORDERED that the evidentiary hearing shall commence on July 11, 2016, and all related pre-hearing deadlines are extended by 26 days.

By the Commission.

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IN THE MATTER OF

**THE PENN STATE HERSHEY MEDICAL
CENTER
AND
PINNACLEHEALTH SYSTEM***Docket No. 9368. Order, June 10, 2016*

Order granting Complaint Counsel and Respondents' Joint Motion requesting that the Commission continue the hearing date until 21 days after the Third Circuit rules on the Commission's appeal and grant a corresponding extension of all pre-hearing deadlines.

ORDER GRANTING CONTINUANCE

The evidentiary hearing in this administrative proceeding is scheduled to commence on June 21, 2016, following the grant of a prior continuance. The Commission granted that continuance to enable Complaint Counsel and Respondents to determine how to proceed in this adjudication in light of developments in the companion federal court litigation.¹ In particular, the Commission appealed the federal district court's denial of the Commission's motion for a preliminary injunction to the U.S. Court of Appeals for the Third Circuit and sought an emergency injunction pending appeal. The Third Circuit granted the emergency injunction on May 24, 2016, and the appeal is pending.² Complaint Counsel and Respondents now jointly request that the Commission continue the hearing date until 21 days after the Third Circuit rules on the Commission's appeal and grant a corresponding extension of all pre-hearing deadlines.³

1 *Penn State Hershey Med. Ctr.*, Docket No. 9368, Commission Order Granting Continuance (May 26, 2016), <https://www.ftc.gov/system/files/documents/cases/160526pennstateorder.pdf>.

2 *Fed. Trade Comm'n v. Penn State Hershey Med. Ctr.*, No. 16-2365, Order (3d Cir. May 18, 2016).

3 *Penn State Hershey Med. Ctr.*, Docket No. 9368, Joint Expedited Motion for Continuance of the Administrative Hearing (May 27, 2016).