

Interlocutory Orders, Etc,

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).

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Respondents state that, if the Third Circuit grants the Commission's appeal, they will abandon the merger and that, if the appeal is denied, they will file a motion pursuant to Commission Rule 3.26 to withdraw this matter from adjudication, pending further action by the Commission. The parties also note that, if the evidentiary hearing is to begin on June 21, trial preparations will require both the parties and numerous non-parties to expend significant resources over the next several weeks.

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 21 days after the United States Court of Appeals for the Third Circuit renders its judgment on the Commission's appeal, and that all pre-hearing deadlines shall be extended until after the Court of Appeals renders its judgment, as determined by the Administrative Law Judge.

By the Commission.

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IN THE MATTER OF

LABMD, INC.

Docket No. 9357. Order, June 16, 2016

Order extending the time period for issuing the final Decision and Order in this Matter.

**ORDER EXTENDING TIME PERIOD FOR ISSUING FINAL DECISION
AND ORDER**

In order to give full consideration to the issues presented by the appeal in this proceeding, the Commission has determined, pursuant to Rule 4.3(b), 16 C.F.R. § 4.3(b), to extend the time period for issuing a final decision and order until July 28, 2016.

IT IS SO ORDERED.

By the Commission.