

Interlocutory Orders, Etc.

IN THE MATTER OF

**HACKENSACK MERIDIAN HEALTH, INC.,
AND
ENGLEWOOD HEALTHCARE FOUNDATION***Docket No. 9399. Order, May 24, 2022*

Order granting Complaint Counsel's motion to withdraw the matter from adjudication to allow the Commission to determine whether further relief is warranted.

ORDER WITHDRAWING PROCEEDING FROM ADJUDICATION

On August 4, 2021, the United States District Court for the District of New Jersey granted the Federal Trade Commission's motion for a preliminary injunction against the proposed merger between Respondents Hackensack Meridian Health, Inc. and Englewood Healthcare Foundation until completion of this administrative proceeding. *FTC v. Hackensack Meridian Health, Inc.*, No. 20-18140, 2021 WL 4145062 (D.N.J. Aug. 4, 2021). The Third Circuit Court of Appeals affirmed the district court's injunction on March 22, 2022. *FTC v. Hackensack Meridian Health, Inc.*, No. 21-2603, 2022 WL 840463 (3d Cir. Mar. 22, 2022). On March 31, 2022, Respondents notified Complaint Counsel that they were abandoning their transaction. Respondents mutually terminated their merger agreement and withdrew their Hart-Scott-Rodino Notification and Report Forms on April 5, 2022.

Complaint Counsel have moved the Commission to withdraw the matter from adjudication to allow the Commission to determine whether further relief is warranted. Respondents, on the other hand, seek dismissal of the Complaint on the bases that the administrative action is now moot, that further proceedings would be unnecessary and wasteful, and that there is no need for any additional relief. Because Respondents support immediate dismissal, they oppose withdrawing the case from adjudication. The question of whether further relief may be warranted, however, may bear on the issues presented. Therefore, we find that it is in the public interest to withdraw the matter from adjudication and stay all proceedings in this matter for 60 days while the Commission considers the potential need for additional relief.

Accordingly,

IT IS HEREBY ORDERED that this matter is withdrawn from adjudication until July 15, 2022, and that during the period the matter is withdrawn from adjudication all proceedings in this matter before the Chief Administrative Law Judge are stayed and all pending deadlines in this matter are tolled.

By the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

HOMEADVISOR, INC.,

D/B/A

ANGI LEADS AND HOMEADVISOR POWERED BY ANGI

Docket No. 9407. Order, May 26, 2022

Order granting respondent's motion for an additional extension of time to oppose the motion for summary decision.

SECOND ORDER EXTENDING TIME TO OPPOSE MOTION FOR SUMMARY DECISION

On April 22, 2022, the Commission granted Respondent HomeAdvisor, Inc.'s motion to extend until May 27, 2022 the time for Respondent to oppose Complaint Counsel's motion for summary decision. Respondent sought that extension so that it could serve subpoenas on and take depositions of individuals who submitted declarations in support of Complaint Counsel's motion. See 16 C.F.R. § 3.24(a)(3). Respondent now seeks an additional 10-day extension. Respondent asserts that the limited availability of certain third-party witnesses and the timing of certain third-party declarants' document productions have resulted in depositions being scheduled up until just two days before the current deadline for their opposition. Respondent represents that Complaint Counsel, as a professional courtesy, do not oppose the requested extension.

Under Commission Rule 4.3(b), the Commission may for good cause shown extend any time limit prescribed in the Rules. 16 C.F.R. § 4.3(b). In light of the timing of Respondent's third-party discovery and the relatively short length of the requested extension, the Commission finds good cause to grant the extension to allow Respondent to complete its depositions and prepare its opposition.

Accordingly,

IT IS HEREBY ORDERED that Respondent's Unopposed Motion for Extension of Time to Oppose Motion for Summary Decision, filed May 23, 2022, is **GRANTED**. The deadline for submission of Respondent's opposition to Complaint Counsel's motion for summary decision shall be 5:00 pm EDT on June 6, 2022.

By the Commission.