

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)
)
PHOEBE PUTNEY HEALTH SYSTEM,)
INC., and)
)
PHOEBE PUTNEY MEMORIAL)
HOSPITAL, INC., and)
)
PHOEBE NORTH, INC., and)
)
HCA INC., and)
)
PALMYRA PARK HOSPITAL, INC., and)
)
HOSPITAL AUTHORITY OF ALBANY-)
DOUGHERTY COUNTY,)
Respondents.)

DOCKET NO. 9348

PUBLIC DOCUMENT

**FANNIN REGIONAL HOSPITAL, TRINITY HOSPITAL OF AUGUSTA, AND
FLOWERS HOSPITAL'S SECOND UNOPPOSED MOTION TO EXTEND THE
DEADLINE TO FILE MOTION TO QUASH OR LIMIT SUBPOENAS DUCES TECUM**

COME NOW non-parties Fannin Regional Hospital, Trinity Hospital of Augusta, and Flowers Hospital (collectively, the "Subpoena Recipients"), by and through the undersigned counsel, and, pursuant to Rules 3.22, 3.34(c) and 4.3(b) of the FTC Rules of Practice, hereby moves to further extend the deadline for moving to quash and/or limit, pursuant to FTC Rules of Practice 3.34(c), portions of the *Subpoenas Duces Tecum* served on the Non-Party Subpoena Recipients ("Subpoenas") by Respondents Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc., and Hospital Authority of Albany-Dougherty County (collectively, "Respondents"). This motion seeks a second, brief extension of the current deadline for filing such a motion through and including May 22, 2013. Counsel for the Respondents have been consulted regarding this motion and does not oppose the requested relief.

On or about April 26, 2013, Respondents served the Subpoenas on, among others, each of the Subpoena Recipients. Certain of the Subpoenas attached fifteen (15) categories of documents requested to be produced pursuant to the Subpoenas (the “Long Form”). The remaining Subpoenas attached four (4) categories of documents requested to be produced pursuant to the Subpoenas (the “Short Form”). The location of the Non-Party Subpoena Recipients and form of the Subpoenas received by each are summarized below:

Non-Party Hospital	Location	Type of Subpoena Received
Fannin Regional Hospital	Blue Ridge, Georgia	Short Form
Trinity Hospital of Augusta	Augusta, Georgia	Short Form
Flowers Hospital	Dothan, Alabama	Long Form

Starting on May 2, 2013, and continuing through yesterday, May 16, 2013, counsel for, among others, the Subpoena Recipients conferred with counsel for the Respondents in a good faith effort to resolve objections to the Subpoenas.

On May 13, 2013, the Subpoena Recipients, along with 13 other recipients of Respondents’ *Subpoenas Duces Tecum*, filed their Certain Non-Party Hospitals’ Unopposed Motion to Extend the Deadline to File Motion to Quash or Limit *Subpoenas Duces Tecum*, seeking an extension of the deadline to file a motion to quash or limit Respondents’ *Subpoenas Duces Tecum* through and including May 17, 2017. The extension was sought to facilitate further discussions among counsel in a good faith effort to resolve objections.

As of this filing, those discussions are continuing with respect to the Subpoena Recipients. However, as of the time of the filing of this Motion, a definitive agreement is not in place with the Respondents as to the scope of the Subpoenas. The only issues remaining

between Subpoena Recipients and Respondents are with respect to Short Form Request 3 and Long Form Request 9.

Accordingly, the Subpoena Recipients desire to further extend the current deadline to file a Motion to Quash and/or Limit the Subpoenas with respect to Short Form Request 3 and Long Form Request 9 through and including May 22, 2013, if necessary. This motion is not opposed by the Respondents. A proposed order granting the requested relief is attached hereto as Exhibit A.

Respectfully submitted, this 17th day of May, 2013.

WOMBLE CARLYLE SANDRIDGE & RICE,
LLP

/s/ Brian Allen Hayles

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Hospital of Augusta, and Flowers Hospital*

EXHIBIT A
(PROPOSED ORDER)

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
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PALMYRA PARK HOSPITAL, INC., and)	
)	
HOSPITAL AUTHORITY OF ALBANY- DOUGHERTY COUNTY, Respondents.)	

**ORDER GRANTING FANNIN REGIONAL HOSPITAL, TRINITY HOSPITAL OF
AUGUSTA, AND FLOWERS HOSPITAL’S SUBPOENA RECIPIENTS’ SECOND
UNOPPOSED MOTION TO EXTEND THE DEADLINE TO FILE A MOTION TO
QUASH AND/OR LIMIT *SUBPOENA DUCES TECUM***

Before the Administrative Law Judge is Fannin Regional Hospital, Trinity Hospital of Augusta, and Flowers Hospital’s Second Unopposed Motion to Extend the Deadline to File Motion to Quash or Limit *Subpoenas Duces Tecum* filed by Fannin Regional Hospital, Trinity Hospital of Augusta, and Flowers Hospital (collectively, the “Subpoena Recipients”). The motion requests an extension of time through and including May 22, 2013 to file any motion to quash and/or limit the subpoenas with respect to Short Form Request 3 and Long Form Request 9 served on the Subpoena Recipients on or about April 26, 2013 (the “Subpoenas”) by Respondents Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc., and Hospital Authority of Albany-Dougherty County (collectively, “Respondents”). Having

considered the motion, and the fact that it is unopposed by Respondents, this Court finds that the motion should be, and hereby is, GRANTED.

IT IS THEREFORE ORDERED that the deadline for the Subpoena Recipients to file any Motion to Quash and/or Limit the Subpoenas with respect to Short Form Request 3 and Long Form Request 9 is extended to through and including May 22, 2013.

Signed this ____ day of May, 2013.

D. Michael Chappell Chief
Administrative Law Judge

**UNITED STATES OF AMERICA
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PALMYRA PARK HOSPITAL, INC., and)	
)	
HOSPITAL AUTHORITY OF ALBANY- DOUGHERTY COUNTY, Respondents.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the foregoing matter with a true and correct copy of the within and foregoing **“Fannin Regional Hospital, Trinity Hospital of Augusta, and Flowers Hospital’s Second Unopposed Motion to Extend the Deadline to File Motion to Quash or Limit Subpoenas Duces Tecum”** was electronically filed with the Federal Trade Commission using the FTC E-File system which will automatically send e-mail notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
Room H113
600 Pennsylvania Avenue, NW
Washington, D.C. 20580
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It was also served via electronic mail and United States Mail with sufficient postage affixed thereto, addressed to:

The Honorable D. Michael Chappell
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This 17th day of May, 2013.

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