

ORIGINAL



May 24, 2013

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**VIA FEDERAL EXPRESS**

Phone: 202-326-2021  
Donald S. Clark,  
Secretary of the Commission  
Federal Trade Commission  
Room H-172  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580

Judge D. Michael Chappell  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Room H-110  
Washington, D.C. 10580

**In Re: Phoebe Putney Health System, Inc. et al., Docket No. 9348  
Submission of Notices of Response to Subpoenas**

Dear Honorable Judge Chappell and Secretary Clark:

Please find enclosed service copies of our client's Notice of Response to Phoebe Putney Health System Inc.'s April 26, 2013 Subpoena for the following entities in the above-referenced matter:

- (1) Evans Memorial Hospital;
- (2) Hutcheson Medical Center
- (3) Irwin County Hospital
- (4) Murray Medical Center.

If you need any additional information or have any questions, please contact me and I will forward any requested information immediately.

Sincerely,

MORRIS, MANNING & MARTIN, LLP

Cathy M. Ellington  
Paralegal for Robert C. Threlkeld  
Enclosure

MORRIS, MANNING & MARTIN, LLP

May 24, 2013

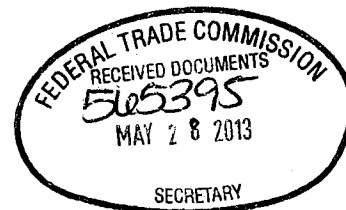
Donald S. Clark, Secretary of the Commission  
And Judge D. Michael Chappell

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cc: Robert C. Threlkeld, Esq. (w/o encl.)  
Michele P. Madison, Esq. (w/o encl.)  
Dana S. Durrett, Esq. (w/o encl.)  
Ryan C. Burke, Esq. (w/o encl.)  
Counsel of Record in Adjudicative Proceeding (w/enclosures)

**ORIGINAL**

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**



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

Docket No. 9348

**MURRAY MEDICAL CENTER'S NOTICE OF RESPONSE TO  
PHOEBE PUTNEY HEALTH SYSTEM, INC.'S APRIL 26, 2013 SUBPOENA**

COMES NOW, Murray Medical Center's ("Murray") and respectfully files this Notice of Response to Phoebe Putney Health System, Inc.'s ("Phoebe") April 26, 2013 Subpoena. Murray respectfully states as follows:

Phoebe issued a Subpoena dated April 26, 2013 (the "Subpoena") to Murray, a third-party to this adjudicative proceeding. The Subpoena sought the production of documents through four enumerated requests:

1. All documents relating to the Transaction, including but not limited to, all documents sent to or received from the FTC, and all documents relating to communications with the FTC.
2. All documents relating to Phoebe or Palmyra.
3. Since 2006, all audited or other financial statements or materials for Your Hospital prepared for either internal use or presented to third parties, (e.g., the Georgia Department of Community Health, the Georgia Hospital Association, potential investors or lenders, investment banks).

**PUBLIC DOCUMENT**

4. All Joint Commission on Accreditation of Healthcare Organizations (“JCAHO”) or other periodic reviews performed by any organization that assigned a “quality rating” or “quality-score” to Your Hospital. *Subpoena Requests Nos. 1 – 4.*

Following extensive negotiations with Phoebe, Phoebe agreed on May 10, 2013 to limit the Subpoena as set forth in Exhibit A. Phoebe withdrew Requests Nos. 1, 2, and 4, and limited Request No. 3. Request No. 3 now seeks only “one copy” of existing year-end summary financial statements for the years 2010, 2011, and 2012 for Murray. These financial statements are to be audited hospital-level financial statements, if those exist, otherwise an entity may produce unaudited hospital-level financial statements.

Murray hereby gives notice that it is producing existing audited hospital-level financial statements for 2010 and 2011 responsive to this amended Request No. 3. Year 2012 does not yet exist. Murray notes that it is producing these documents pursuant to the protections of the April 21, 2011 Protective Order Governing Discovery Material issued by the Federal Trade Commission Office of Administrative Law Judges, and understands that these documents will be so treated as confidential.

This 24<sup>th</sup> day of May, 2013.

MORRIS, MANNING & MARTIN, LLP

By: 

Robert C. Threlkeld  
Georgia Bar No. 710760  
D.C. Bar No. 416563  
Dana S. Durrett  
Georgia Bar No. 141742

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Atlanta, Georgia 30326  
Telephone: (404) 233-7000  
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**PUBLIC DOCUMENT**

# Exhibit "A"

## DOCUMENTS TO BE PRODUCED

1. ~~All documents relating to the Transaction, including but not limited to, all documents sent to or received from the FTC, and all documents relating to communications with the FTC.~~
2. ~~All documents relating to Phoebe or Palmyra.~~
3. Since 2006, all audited or other financial statements or materials for Your Hospital prepared for either internal use or presented to third parties, (*e.g.*, the Georgia Department of Community Health, the Georgia Hospital Association, potential investors or lenders, investment banks).

As offered previously and clarified during our call yesterday, 5/7/13, this request is now limited to financial statements prepared since January 1, 2010 and is further limited to audited hospital-level data, to the extent that it exists. If hospital-level audited data is unavailable, year-end summary hospital-level financial statements, even if unaudited are preferable to audited consolidated financial statements such as those sometimes created for health systems. In addition, the request no longer seeks "all" such documents; we request only one-copy of each.

4. ~~All Joint Commission on Accreditation of Healthcare Organizations ("JCAHO") or other periodic reviews performed by any organization that assigned a "quality rating" or "quality score" to Your Hospital.~~

After discussions with GHA and after consulting with our expert, we will no longer be seeking to enforce Requests 12 of the long-form subpoena, and Request 4 of the short-form subpoena ("All Joint Commission on Accreditation of Healthcare Organizations . .").

**UNITED STATES OF AMERICA**  
**FEDERAL TRADE COMMISSION**

In the Matter of:	)	
	)	
PHOEBE PUTNEY HEALTH SYSTEM, INC.,	)	
	)	
PHOEBE PUTNEY MEMORIAL HOSPITAL, INC.,	)	
	)	Docket No. 9348
PHOEBE NORTH, INC.,	)	
	)	
HCA INC.,	)	
	)	
PALMYRA PARK HOSPITAL, INC., and	)	
	)	
HOSPITAL AUTHORITY OF ALBANY-	)	
DOUGHERTY COUNTY.	)	
_____	)	

**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 “**Notice of Response to Phoebe Putney Health System, Inc.’s April 26, 2013 Subpoena**” via electronic mail and United States Mail with sufficient postage affixed thereto, addressed to:

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Donald S. Clark – Secretary of the  
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Federal Trade Commission  
600 Pennsylvania Avenue, NW  
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This 24<sup>th</sup> day of May, 2013.

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Judge D. Michael Chappell  
Federal Trade Commission  
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Dana S. Durrett

**PUBLIC DOCUMENT**