

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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| FEDERAL TRADE COMMISSION | |) | |
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| Petitioner, | |) | |
| | |) | |
| v. | |) | Case No. 17-mc-1465 (ESH/GMH) |
| | |) | |
| HUMANA, INC. | |) | |
| | |) | |
| Respondent. | |) | |
| <hr/> | |) | |

ORDER TO SHOW CAUSE

Pursuant to the authority conferred by Sections 9 and 16 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 49, 56, Petitioner, the Federal Trade Commission (“FTC”), has invoked the aid of this Court, pursuant to Fed. R. Civ. P. 81(a)(5), for an order requiring Respondent Humana, Inc. to comply in full with the April 10, 2017 subpoena *duces tecum* issued to it in a merger investigation being conducted by the FTC (FTC File No. 161-0026). The Court has considered the Emergency Petition of the FTC for an Order Enforcing Subpoena *Duces Tecum* Issued in a Merger Investigation and the papers filed in support thereof; and it appears to the Court that Petitioner has shown good cause for the entry of this Order. Accordingly, it is hereby

ORDERED that Respondent appear at 2:00 PM on June 22, 2017, in Courtroom No. 6 of the United States Courthouse in Washington, D.C., and show cause, if any there be, why this Court should not grant said Petition and enter an Order enforcing the subpoena issued to Respondent and directing it to produce, no later than June 26 2017, all responsive materials. Unless the Court determines otherwise, notwithstanding the filing or pendency of any procedural or other motions, all issues raised by the Petition and supporting papers, and any opposition to the Petition, will be

considered at the hearing on the Petition, and the allegations of said Petition shall be deemed admitted unless controverted by a specific factual showing. It is further

ORDERED that, if Respondent intends to file pleadings, affidavits, exhibits, motions, or other papers in opposition to said Petition or to the entry of the Order requested therein, such papers must be filed with the Clerk, and served by hand or by email on Petitioner's counsel, no later than 12:00 PM on June 21, 2017. Any reply by Petitioner shall be filed with the Court, and served by email or by hand on Respondent's counsel, no later than 11:59 PM on June 21, 2017. It is further

ORDERED that, if Respondent believes it necessary for the Court to hear live testimony at the hearing, they must file no later than 12:00 PM on June 21, 2017 an affidavit reflecting such testimony (or, if a proposed witness is not available to provide such an affidavit, a specific description of the witness's proposed testimony) and explain why Respondent believes live testimony is required. It is further

ORDERED, pursuant to Fed. R. Civ. P. 81(a)(5), that this is a summary proceeding and that no party shall be entitled to discovery without further order of the Court upon a specific showing of need; and that the dates for a hearing and the filing of papers established by this Order shall not be altered without prior order of the Court upon good cause shown; and it is further

ORDERED that, pursuant to Fed. R. Civ. P. 81(a)(5) and its advisory committee note (1946), a copy of this Order and copies of said Petition and exhibits filed therewith, shall be served forthwith by Petitioner upon Respondent or its counsel, using as expeditious means as practicable.

SO ORDERED.

Date: June 20, 2017

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE