

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



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In the Matter of )

Cabell Huntington Hospital, Inc. )  
a corporation, )

Pallottine Health Services, Inc. )  
a corporation, and )

St. Mary's Medical Center, Inc. )  
a corporation, )

Respondents. )  
\_\_\_\_\_ )

DOCKET NO. 9366

**ORDER GRANTING JOINT MOTION TO AMEND THE  
SCHEDULING ORDER AND REVISED SCHEDULING ORDER**

On March 15, 2016, Federal Trade Commission ("Commission") Complaint Counsel and Respondents Cabell Huntington Hospital, Inc. ("Cabell"), Pallottine Health Services, Inc., and St. Mary's Medical Center, Inc. ("St. Mary's") filed a Joint Motion to Amend the Scheduling Order ("Joint Motion"). The Parties represent that in light of recent West Virginia legislation that may create a path to state action immunity for Respondents' transaction, the Parties have agreed to file with the Commission a joint motion seeking Commission approval to withdraw this matter from adjudication. The Parties further state, in the event the Commission does not agree to withdraw the matter from adjudication, the Parties will seek alternative relief to reschedule the start of the trial from April 5, 2016 for at least three weeks.

In light of the forthcoming motion to the Commission, the Parties ask for amendments to the imminent, remaining deadlines in the Scheduling Order to avoid costly and resource-intensive work that may ultimately be unnecessary if the matter is withdrawn from adjudication. The Parties have not previously sought any extensions to other deadlines in the Scheduling Order, issued December 4, 2015. The Parties have not requested a modification to the date on which the hearing is scheduled to begin. The Parties have demonstrated good cause for the requested extensions. Accordingly, the Joint Motion is GRANTED. The Scheduling Order is hereby revised as follows:

- March 28, 2016 - Deadline for filing motions *in limine* to preclude admission of evidence.
- March 28, 2016 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- March 29, 2016 - Exchange proposed stipulations of law, facts, and authenticity.
- March 30, 2016 - Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists.
- March 31, 2016 - Deadline for filing responses to motions *in limine* to preclude admission of evidence.
- March 31, 2016 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- March 31, 2016 - By 1:00 p.m., file final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties.
- April 1, 2016 - Complaint Counsel files pretrial brief supported by legal authority.
- April 1, 2016 - Respondents' Counsel files pretrial brief supported by legal authority.
- April 1, 2016 - Final prehearing conference to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts, and authenticity of exhibits.


To the extent the parties stipulate to certain issues, the parties shall prepare a Joint Exhibit, which lists the agreed stipulations.

Counsel may present any objections to the final proposed witness lists and exhibits. Trial exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admission of each other's exhibits, the parties shall prepare a Joint Exhibit, which lists the exhibits to which neither side objects. Any Joint Exhibit will be signed by each party. (Do not include a signature line for the ALJ.)

- April 4, 2016 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- April 5, 2016 - Commencement of Hearing, to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

All other provisions of the December 4, 2015 Scheduling Order remain in effect.

ORDERED:

  
\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: March 15, 2016

Notice of Electronic Service

**I hereby certify that on March 15, 2016, I filed an electronic copy of the foregoing Order Granting Joint Motion to Amend the Scheduling Order and Revised Scheduling Order, with:**

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave., NW  
Suite 110  
Washington, DC, 20580

Donald Clark  
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**I hereby certify that on March 15, 2016, I served via E-Service an electronic copy of the foregoing Order Granting Joint Motion to Amend the Scheduling Order and Revised Scheduling Order, upon:**

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